DEPARTMENT OF COMMERCE
ENVIRONMENTAL MANAGEMENT MANUAL

(as authorized by DAO 200-0, Department of Commerce Handbooks and Manuals)

Office of Administrative Services
Department of Commerce
Washington, DC

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EXECUTIVE SUMMARY

HISTORY. The *Environmental Management Manual* (the Manual), as authorized by Departmental Administrative Order (DAO) 200-0, replaces DAO 216-11: Floodplain Management and Protection of Wetlands and DAO 216-17: Compliance with Environmental Pollution Standards.

SUMMARY. This Manual describes the Department of Commerce's (the Department) environmental management and compliance program and assists the Department in achieving environmental compliance thereby protecting human health, property and the environment. The Department must consider the environmental implications of its operations. For example, the National Oceanic Atmospheric Administration (NOAA) operates facilities, ships, and aircraft worldwide requiring environmental stewardship and compliance with international, federal, state, and local regulations. The Department, through its various bureaus, leases and owns facilities nationwide and must execute its mission in an environmentally responsible manner.

APPLICABILITY. This Manual applies to Department Operating Units. It also applies to tenants, such as other federal agencies, contractor activities, and lessees providing direct support to the Department and located on real property within the Department's jurisdiction. Contracts to operate Government-owned facilities for the Department must reference this Manual and designate by specific citation the applicable provisions. Department entities conducting operations in foreign countries must also comply with this Manual.

PROPONENT AND EXCEPTION AUTHORITY. The Secretary of Commerce is the proponent of this Manual. The Chief Financial Officer/Assistant Secretary for Administration has the authority to approve waivers to this Manual that are consistent with law or regulation.

SUPPLEMENTATION. Supplementation to this Manual and establishment of local forms by Department Offices and Operating Units are prohibited without prior approval from the Chief Financial Officer/Assistant Secretary for Administration. The requirements of such supplements and forms must be consistent with, and no less stringent than the requirements in this Manual.

SUGGESTED IMPROVEMENTS. Users are invited to send comments and suggested improvements to the Department of Commerce, Office of Real Estate (ORE), Room 1036, 1401 Constitution Avenue, NW, Washington, DC 20230.

DISTRIBUTION. This Manual will be distributed throughout the Department in an effort to enhance the performance of the Department's environmental management and compliance programs.

INTRODUCTION

SECTION 1. PURPOSE

.01 This Manual describes the Department's environmental management and compliance programs, policies and objectives. The Department is committed to managing an efficient, effective and customer-oriented program focused on environmental stewardship, and supported by the four pillars of environmental management: compliance, pollution prevention, conservation, and restoration.

a. Compliance: The Department shall comply with all federal, state and local environmental laws, regulations, and Executive Orders.

b. Pollution Prevention: The Department's goal is to prevent and reduce the volume and/or toxicity of pollution at the source.

c. Conservation: The Department shall manage the controlled use and the systematic protection of natural resources.

d. Restoration: The Department encourages the return of previously contaminated sites to their original state or as determined by applicable federal, state or local authorities, laws, or regulations.

.02 This Manual provides an overview of the environmental programs, policies, objectives, and major program requirements and procedures, and delineates the Department's roles and responsibilities. This Manual summarizes the major environmental program requirements. It does not provide a complete listing of all provisions, or detailed guidance on complying with environmental laws, regulations, and Executive Orders. This Manual supplements federal laws, regulations, and Executive Orders for preserving, protecting, and restoring the quality of the environment.

SECTION 2. BACKGROUND

.01 Federal facilities, similar to commercial entities, must comply with all federal, state and local environmental laws and regulations. The Department strives to develop sound environmental management programs to ensure long-term compliance with environmental requirements. The Department's environmental management and compliance programs are expected to manage people and systems, with a focus on environmental compliance and proactive pollution prevention initiatives. Accordingly, this Manual delineates management's responsibility to achieve environmental compliance by prescribing the policies, procedures, and responsibilities for a Department-level environmental management program.

SECTION 3. REFERENCES

.01 Federal laws, regulations, and Executive Orders referenced and used to develop this Manual are listed in Appendix A.

SECTION 4. SCOPE AND AUTHORITY

.01 The Chief Financial Officer/Assistant Secretary for Administration is the Agency Environmental Executive for the Department and has the authority to approve waivers to this Manual that are consistent with law, regulation, and Executive Orders or with Department environmental policies.

.02 This Manual applies to all Department Operating Units. It also applies to tenants, such as other federal agencies, contractor activities, and lessees providing direct support to the Department and located on real property within the jurisdiction of the Department. Contracts to operate Government-owned facilities must reference this Manual and designate by specific reference the applicable provisions. Department Operating Units conducting operations in foreign countries must reference and comply with this Manual or the applicable foreign law; whichever is more stringent.

.03 Supplementation to this Manual by Department Offices and Operating Units is prohibited without prior approval from the Chief Financial Officer/Assistant Secretary for Administration. The requirements of such supplements must be consistent with, and no less stringent than the requirements in this Manual.

.04 This Manual establishes the policies and procedures for implementing and maintaining the Department's environmental management program. The Manual, which has the status and effect of a Department Administrative Order (DAO), serves as the single authoritative Department environmental management program reference for all Department employees.

.05 The Director, Office of Real Estate, has been delegated authority to approve revisions to this Manual.

SECTION 5. POLICIES

.01 Department Operating Units shall:

a. Comply with the laws, regulations, Executive Orders, and directives forming the basis for this Manual, and cooperate with federal, state, and local agencies to improve the quality of the environment.

b. Plan, develop, and implement all programs and activities in a manner preventing or minimizing adverse impacts on environmental quality.

c. Coordinate with the Department's legal counsel regarding all reports of liability, permits, agreements, notices of violations, and enforcement actions.

d. Comply with tribal rules and regulations at facilities located on tribal lands or when an action occurs on tribal lands as an extension of local laws.

SECTION 6. DISCLAIMER

.01 This Manual is intended to only improve the internal management of the Department of Commerce and its Operating Units in the performance and fulfillment of its various duties and obligations under existing laws, regulations and Executive Orders. IT IS NOT INTENDED TO CREATE ANY RIGHT, BENEFIT, CLAIM, CAUSE OF ACTION, OR TRUST RELATIONSHIP, EITHER SUBSTANTIVE OR PROCEDURAL, ENFORCEABLE AT LAW OR EQUITY BY A PARTY AGAINST THE UNITED STATES, THE DEPARTMENT, ITS OPERATING UNITS, OFFICERS, EMPLOYEES OR AGENTS.

SECTION 7. INQUIRIES

.01 Inquiries concerning information or status reports on environmental compliance or other elements of the Department's environmental management programs should be directed to:

Department of Commerce
Office of Real Estate, Room 1036
Washington, DC 20230
(202) 482-3580

- END -

CHAPTER 1 - ENVIRONMENTAL STEWARDSHIP

SECTION 1. PURPOSE

.01 This Chapter outlines the goals, objectives, responsibilities, and roles for implementing and complying with the Department's policy to be good stewards of the environment, thereby protecting human health, property and the environment.

.02 The Department's environmental stewardship policy was developed as result of Executive Order 13148, *Greening the Government Through Leadership in Environmental Management* (April 21, 2001). This Executive Order makes the Secretary of Commerce responsible to ensure all necessary actions are taken to integrate environmental accountability into day-to-day decision-making and long-term planning processes across all activities and functions of the Department. Consequently, sound environmental management considerations must be a fundamental and integral component of the Department's operations, plans, and management.

SECTION 2. SCOPE

.01 Provisions of this Chapter apply to Department Operating Units.

SECTION 3. ROLES AND RESPONSIBILITIES

.01 The Secretary of Commerce serves as the trustee for the natural and cultural resources managed by the Department and is responsible for protecting the quality of the land, air, and water at Department-operated facilities, whether leased or owned. The Secretary ensures all necessary actions are taken to integrate environmental accountability into agency day-to-day decision-making and long-term planning processes, across all agency missions, activities, and functions.

.02 The Chief Financial Officer/Assistant Secretary for Administration (CFO/ASA) holds primary responsibility for the Department's environmental programs. Many of these responsibilities are executed through the Director, Office of Administrative Services. The CFO/ASA has the following duties:

a. Serves as the Agency Environmental Executive (AEE) for programs requiring such designation, as appointed by the Secretary, pursuant to Section 301(d) of Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition.*

b. Ensures that environmental policy, guidance, and direction comply with the federal laws, regulations, and Executive Orders listed in Appendix A. The requirements of any policy must be consistent with and no less stringent than the requirements of federal, state, or local laws.

c. Establishes and promotes environmental policy, guidance, and direction.

d. Performs an annual review of the Department's environmental management and compliance programs.

.03 The Department Environmental Manager, Office of Real Estate, has the following duties:

a. Provides oversight to ensure Department-wide compliance with environmental policies.

b. Provides environmental expertise, guidance, management support, and education to Departmental Offices and Operating Units.

c. Serves as the primary point of contact for environmental management and compliance within the Department.

d. Serves as the Department's representative at meetings and on intra-agency and inter-agency committees which pertain to environmental management and compliance.

e. Develops funding strategies and priorities for environmental programs.

f. Prepares Departmental reports as required by the Manual and the federal laws, regulations, and Executive Orders listed in Appendix A.

g. Measures and reports Department-wide environmental compliance.

.04 The Director, Office of Acquisition Management, has the following duties:

a. Develops acquisition policy to ensure procurement of material designed to lessen environmental impacts throughout its lifecycle, while ensuring operational effectiveness.

b. Encourages the integration of environmental issues into acquisition training programs.

c. Establishes procurement policies that encourage the acquisition and use of environmentally preferable products and services, recovered/recycled products and energy efficient products.

.05 The Office of General Counsel has the following duties:

a. Provide legal advice to the Department and its Operating Units on environmental matters, except where specifically provided otherwise.

b. Represent the Department at meetings and intra-agency and inter-agency committees on matters of environmental law.

c. Act as agency counsel in defense of the Department in litigation or threatened litigation, except where specifically provided otherwise.

d. As appropriate or required, review reports, responses, and other communications for legal sufficiency.

.06 The Office of Occupational Safety and Health provides safety and occupational expertise and guidance on matters that affect the health and welfare of Departmental employees.

.07 Heads of Operating Units have the following duties:

a. Ensure all necessary actions are taken to integrate environmental accountability into day-to-day decision-making and long-term planning processes across all Operating Unit activities and functions.

b. Implement and support the policies and procedures established by this Manual.

c. Establish policy, guidance, and direction to manage the Operating Units' compliance with the federal laws, regulations, and Executive Orders listed in Appendix A. The requirements of all Operating Unit policy must be consistent with, and no less stringent than, the requirements of this Manual and federal law.

d. Inform the Chief Financial Officer/Assistant Secretary for Administration, through the Department's Environmental Manager, of the status of the Operating Units' environmental management and compliance program.

e. Advise the Chief Financial Officer/Assistant Secretary for Administration of significant actions undertaken or anticipated by the Operating Unit to ensure compliance with the federal laws, regulations, and Executive Orders listed in Appendix A of this Manual.

f. Notify the Office of the Assistant General Counsel for Finance and Litigation immediately of, and provide copies of, any criminal indictment or information, enforcement action, EPA notice of Potential Liability and/or Request for Information Letter issued under the Comprehensive Environmental Response, Compensation and Liability Act or the Resource Conservation and Recovery Action (RCRA), Notice of Intent to Sue, Summons, and Complaint, or any similar correspondence from federal, state or local agencies or litigants exposing the Operating Unit activities to litigation. Notification of such matters shall also be sent to the Department Environmental Manager.

g. Notify the Department Environmental Manager of any requests received from federal, state, or local agencies for documentation related to the Department's or the Operating Unit's environmental management and compliance programs (i.e., inspections, enforcement actions, consent orders, assessments, etc.).

h. Ensure compliance with all federal laws, regulations, and Executive Orders listed in Appendix A through external and internal assessments, audits, reviews, and surveys.

i. Support training programs for environmental management and compliance personnel.

j. Perform an annual review of the Operating Unit's environmental management and compliance programs.

SECTION 4. OBJECTIVES

.01 Reduce the use of hazardous materials, substances or chemicals, the generation or release of pollutants and hazardous wastes, and the adverse effects on human health and the environment caused by Operating Unit activities.

.02 Reduce pollution through improvements in energy and water efficiency, the use of alternative fuels, and other initiatives that improve resource utilization.

.03 Emphasize pollution prevention, including improvements in energy and resource utilization, as the "first choice" in achieving compliance with applicable environmental requirements and Executive Orders.

.04 Reduce the life cycle costs of equipment and materials by avoiding the use of hazardous chemicals and substances.

.05 Plan, program, and budget to meet Departmental environmental management and program objectives and targets.

.06 Establish and execute cost-effective waste prevention and recycling programs to reduce the volume and/or toxicity of acutely hazardous, hazardous, and regulated RCRA Subtitle C solid waste.

.07 Promote the use of environmentally preferable products, to the maximum extent practical, by revising specifications and standards.

SECTION 5. TARGETS

.01 Heads of Operating Units shall designate, in writing, an environmental point of contact to oversee and manage environmental leadership. Submit (electronic versions acceptable) a letter to the Department Environmental Manager, with the name, phone number, address, email address of the environmental point of contact and office along with other points of contact for environmental matters. Provide an update when changes occur.

- END -

CHAPTER 2 - ENVIRONMENTAL COMPLIANCE AND REPORTING

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for reporting environmental compliance to the Department Environmental Manager.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to Department Operating Units.

SECTION 3. DEFINITIONS

.01 Enforcement Action: An enforcement action is a formal, written notification by the Environmental Protection Agency or other authorized federal, state, or local environmental regulatory authority of violation of any applicable statutory or regulatory requirement. Enforcement action does not include warning letters, informal notices of deficiencies, or notices of deficiencies to permit applications. All infractions of a separate statutory or regulatory requirement constitute a separate enforcement action, even if addressed in a single notice. Items found to be out of compliance during an internal audit are not included in this definition of enforcement action.

.02 Open Enforcement Action: An open enforcement action is an enforcement action where a formal, written notice has been issued but is not yet closed by one of the resolutions described under the definition of closed enforcement action.

.03 Closed Enforcement Action: A closed enforcement action is an enforcement action that has been resolved by one of the following:

a. Revocation of the action by the regulating authority.

b. Closure of the action following written notice from the regulating authority that the action is closed or resolved.

c. Closure of the action, after a reasonable time span, following written notice from the regulating authority of their intent to close the enforcement action.

d. Receipt of a signed compliance agreement order.

e. Approval from the Department Environmental Manager to close the finding.

.04 Significant Environmental Event: A significant environmental event is a noteworthy environmental occurrence (positive or negative) that may be of interest to or require a "timely and appropriate" response from the Operating Unit or Department. Such occurrences may involve compliance with environmental statutes, criminal environmental enforcement actions, major oil and/or chemical emergencies or spills, or assessed fines and/or penalties.

SECTION 4. POLICIES

.01 Environmental programs must achieve, maintain, and monitor compliance with all applicable federal, state, and local laws and requirements, both substantive and procedural (hereafter referred to collectively as "environmental requirements"). This includes compliance with requirements in statutorily mandated or authorized documents, such as permits, judicial decrees, or consent or compliance agreements that seek to preserve, protect, or enhance human health and/or the environment.

a. Operating Units will plan, program, and budget to achieve, maintain, and monitor compliance with applicable environmental requirements.

b. When applicable and cost effective, use environmental projects, preferably pollution prevention and waste minimization, to offset fines and penalties, where appropriate and allowed by law.

c. Operating Units will pay reasonable fees or service charges to federal, state, and local Governments for compliance costs or activities except where such fees are:

- Discriminatory in either application or effect;
- Used for a service denied to a federal agency;
- Assessed under a statute in which the federal sovereign immunity has not been unambiguously waived;
- Disproportionate to the intended service or use; or
- Determined to be a federal, state or local tax. (The legality of all fees shall be evaluated by appropriate legal counsel.)

d. Report all information required by applicable statutes, regulations, permits, orders, and agreements.

e. Promptly correct any environmental violations discovered and appropriately remedy any harm done.

SECTION 5. OBJECTIVES AND TARGETS

.01 Achieve full and complete compliance with applicable federal, state, and local environmental laws and regulations, and Executive Orders.

.02 Strive for continual environmental improvement in terms of regulated and unregulated impacts.

.03 Maximize source reduction, recycling, or other pollution prevention approaches as practical.

.04 Establish, track, and review environmental performance goals.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The Department Environmental Manager shall track and report Department and Operating Units environmental compliance status to the CFO/ASA through the Director, Office of Administrative Services, on an annual basis or as required. Operating Units shall provide the Department Environmental Manager the following information:

a. The number of open enforcement actions, as well as previously reported enforcement actions which have been closed since the last quarterly report, and include a description of violations and actions that have been or will be taken to correct violations.

b. Any significant environmental events such as reportable spills, accidents, releases, notices of violations, and regulatory actions that could reflect negatively on the Department.

c. Pollution prevention initiatives undertaken during the past year.

d. Other environmental compliance items as required by the CFO/ASA or the Department Environmental Manager, such as the implementation of environmental management systems and other federal scorecard or Executive Order reporting requirements.

.02 The Department Environmental Manager will develop reporting requirements that facilitate Environmental Protection Agency and Office of the Environmental Executive reporting requirements such as, but not limited to, the Executive Order 13148, *Greening the Government Through Environmental Leadership* and the Resource Conservation and Recovery Act reports.

.03 Annually, the Department Environmental Manager will develop and forward reporting requirements to the Operating Units.

- END -

CHAPTER 3 - ENVIRONMENTAL FUNDING

SECTION 1. PURPOSE

.01 This Chapter prescribes the policy, objectives, and targets for environmental funding.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to environmental budget items identified in this Chapter and throughout this Manual.

SECTION 3. POLICY

.01 Compliance with federal, state, or local environmental laws is the utmost priority and any violation must be expeditiously corrected using any and all available appropriations.

.02 Operating Units must submit budget information regarding environmental compliance to the Department Environmental Manager for review and comment. The Operating Unit will determine what budget information will be provided to the Department Environmental Manager.

.03 The Department Environmental Manager will review Operating Units' environmental budget items and make recommendations for improving justifications, where appropriate. The Department Environmental Manager will use the budget information to defend budget requests at the Department level and build a historical record of environmental funding.

SECTION 4. OBJECTIVES AND TARGETS

.01 Create strong justification for environmental budget items in order to successfully compete for limited resources.

.02 Follow prescribed budget preparation guidance and requirements provided by the Office of Management and Budget and the Department.

SECTION 5. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The Department's environmental program can be separated into four primary areas of concern: compliance, pollution prevention, conservation, and restoration.

a. Compliance ensures operations comply with all applicable federal, state, and local environmental laws and standards.

b. Pollution prevention focuses on eliminating pollution by reducing the use of hazardous chemicals and materials at the source and preventing environmental releases of pollutants.

c. Conservation focuses on the controlled use, systematic protection, and sustainment of our natural and cultural resources, including: wetlands, historic sites, and endangered species through sound stewardship, management, and the use of the environmental impact analysis process.

d. Restoration focuses on clean-up of pollution resulting from past activities and restoring previously contaminated sites to standards established by the regulating agencies.

.02 Cost requirements for compliance, pollution prevention, and conservation can be divided into recurring and nonrecurring categories.

a. Recurring costs are typically for operations and services associated with on-going activities to monitor and maintain the programs (e.g., manpower, training, waste disposal, periodic sampling requirements, permit fees, plans, protective clothing, spill equipment, special equipment, etc.). These requirements can be expected to occur from year-to-year.

b. Nonrecurring costs are considered "one time" expenses and not expected to occur each year. For example, by virtue of its nature, cleanup project costs are usually nonrecurring. The initial implementation of programs, such as environmental audits and surveys, and pollution prevention projects would also be considered nonrecurring costs. After such a program has been implemented, its monitoring or maintenance would be considered a recurring cost.

.03 Construction-Related Expenses: Some environmental-related actions become necessary when decisions affect the alteration, closure, or decommissioning of facilities. Costs associated with such activities shall be part of the program budget or the construction specific appropriation, not the environmental compliance program. For example, asbestos removal, in conjunction with a renovation project, would be funded as part of the renovation construction project, not by the environmental compliance program.

- END -

CHAPTER 4 - ENVIRONMENTAL AUDITS

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for conducting and reporting environmental audits.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to Department Operating Units.

SECTION 3. DEFINITIONS

.01 Environmental Audit: An environmental audit is a formal periodic assessment of environmental compliance, conducted onsite using established protocols such as the United States Army, Engineering Research Development Center, Construction Engineering Research Laboratory, *The Environmental Audit Manual (TEAM) Guide* or other protocol approved by the Head of the Operating Unit or designated authority.

a. External Environmental Audits: External environmental audits are audits conducted by personnel not directly associated with the evaluated activities. One representative from the Operating Unit or Department environmental office should be a member of each external audit team.

b. Internal Environmental Audit: Internal environmental audits are audits conducted by personnel from the facility being audited.

SECTION 4. POLICIES

.01 Operating Units should establish policy and guidance to ensure appropriate facilities are audited for environmental compliance at least once every three years.

a. The audit program should include provisions to develop and track solutions to any compliance problems identified during environmental compliance audits.

b. Environmental audits shall include assessing compliance with Resource Conservation and Recovery Act, Section 6002 (42 U.S.C. § 6962), buy-recycled requirements and may include assessment of environmental management systems criteria.

.02 Operating Units should schedule external environmental audits for the facilities under their control that possess a high likelihood for a significant environmental event and/or a higher magnitude of consequence should an event occur. Annually, provide a schedule of external audits to the Department Environmental Manager.

.03 Operating Units will report or make available the status of any audit findings to the Department Environmental Manager.

SECTION 5. OBJECTIVES AND TARGETS

.01 Perform external audits at appropriate facilities once every three years.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Environmental audits must be designed to enable an Operating Unit to regularly evaluate its environmental compliance performance and identify problems areas and potential violations before corrective action becomes necessary or, if it is already required, to assure timely and adequate responses.

.02 Environmental audits should identify the root causes of environmental audit findings and recommend corrective actions to prevent future problems.

.03 Environmental audit findings should identify potential compliance issues and include recommended corrective action to assist the facility in achieving and sustaining compliance.

.04 Audit findings shall be described as one of the following classes:

a. Class 0 (significant): A finding categorized as significant or class 0 requires immediate action. It poses, or has a high likelihood of posing, a direct and immediate threat to human health, safety, the environment, or the operation of the facility. When significant findings occur, the facility must take immediate action to resolve the problem or shut down the particular process or operation creating the situation.

b. Class 1 (major): A finding categorized as major or class 1 indicates a situation where the facility is currently out of compliance with an existing environmental law or has received an enforcement action from a federal, state or local authority, or is likely to receive an enforcement action if no corrective action is taken. Major findings require future action to avoid potential threats to human health, safety, the environment, or the operation of the facility.

c. Class 2 (minor): A finding categorized as minor or class 2 indicates a situation where the facility is presently in compliance, but may become non-compliant in the relatively near future. Minor findings can be administrative and procedural in nature.

d. Class 3 (management practice): A finding categorized as a management practice or class 3 indicates a situation where the audit teams recommends implementation of a best management practice to assist a facility in maintaining or enhancing environmental compliance performance. These recommendations are not based on environmental regulations and do not involve non-compliance. Instead, they are designed to help keep a facility ahead of compliance.

e. Positive: A finding categorized as positive indicates a unique or creative management technique to achieve compliance or improve operations to minimize environmental impact. The purpose of formally documenting a positive finding is to share the information with other Department facilities.

.05 Audit findings identified as class 0 through class 3 should also be described as one of the following:

a. Carryover Finding: A carryover finding is a finding that was observed and documented in a previous audit and remains open.

b. Repeat Finding: A repeat finding is a finding that was identified and documented during a previous audit and closed prior to the most current audit, but the same condition has recurred. This type of finding indicates improper action was taken to close the finding or the facility documented closure without taking action.

c. New Finding: A new finding is a finding that was not observed and documented in the previous audit.

.06 Operating Units must determine the frequency that internal audits will be conducted.

.07 Internal environmental audits should be incorporated into the applicable environmental management system.

.08 Operating Units shall forward external audit result information within 60 days from date of audit to the Department Environmental Manager and include the following:

a. Name and location of facility audited.

b. Date audit was completed.

c. The number of individual audit findings by class.

d. The number of carryover, repeat, and new audit findings.

.09 Immediately report any class 0 audit findings to the Department Environmental Manager. Include the following in the notification:

a. Location and brief description of the audit finding.

b. Short-term and/or long-term action taken or needed to correct or mitigate the hazard identified in the audit finding.

- END -

CHAPTER 5 - ENVIRONMENTAL MANAGEMENT SYSTEMS

SECTION 1. PURPOSE

.01 This Chapter prescribes the goals, policies, responsibilities and roles for implementing and maintaining an environmental management system (EMS).

.02 The Department's EMS policy was developed as result of Executive Order 13148, *Greening the Government Through Leadership in Environmental Management* (April 21, 2000), and the Secretary's memorandum, subject "Environmental Management Systems," dated April 22, 2003. A copy of this memorandum is available at www.osec.doc.gov/oas/environmental/ems.htm.

SECTION 2. SCOPE

.01 Provisions of this Chapter apply to all Operating Units.

SECTION 3. DEFINITIONS

01 Appropriate Facility: An appropriate facility for implementing an EMS is any Departmental property, properties, organization or operation that conducts activities which can have a significant impact on the environment.

.02 Environmental Impact: An environmental impact is any change (complete or partial) to the environment, whether adverse or beneficial, resulting from the facility's functional mission or activities.

.03 Environmental Management System (EMS): An EMS is that component of any organization's overall management system that takes into account organizational structure, planning, activities, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining environmental programs and policy. It serves as a tool for improving overall environmental performance. An EMS integrates responsibilities and practices into an overall management system to increase efficiency while reducing environmental impacts. It provides a systematic way of managing an organization's environmental affairs by:

a. Identifying and addressing immediate, cumulative and long-term environmental impacts as a result of missions, services and processes.

b. Providing order and consistency in addressing environmental impacts through the allocation of resources, assignment of responsibility and ongoing evaluation of practices, procedures, and processes.

.04 Environmental Policy: Environmental policy refers to a statement of intent by the top management of an organization and/or facility to take environmental impacts into account and present proof of top management's commitment to developing and implementing an EMS.

.05 Self-Declaration: Self-declaration is a process a facility implementing an EMS uses to affirm that it is in conformance with the defined elements of its EMS. The self-declaration may reflect an internal or external audit of the facility's or organization's EMS against the established EMS framework or other acceptable protocol.

SECTION 4. ROLES AND RESPONSIBILITIES

.01 The Secretary of Commerce establishes environmental policy for the Department. Current environmental policy is established by the Secretary's memorandum, subject "Environmental Management Systems," dated April 22, 2003. A copy of this memorandum is available at www.osec.doc.gov/oas/environmental/ems.htm.

.02 Director, Office of Budget, shall establish and issue EMS funding policy and/or guidance as appropriate.

.03 The Heads of Operating Units shall:

a. Establish an environmental policy specifically for their Operating Unit that is consistent with the Secretary's policy. This environmental policy shall reflect the nature and scale of the Operating Unit's activities and embody commitment to compliance with laws and applicable requirements, preventing pollution, and continual improvement.

b. Identify the appropriate facilities that will implement an EMS.

c. Communicate the EMS policy statement to all staff and make it available to the public.

d. Establish EMS training programs.

e. Provide adequate resources to ensure proper implementation of an EMS.

f. Annually review and update the EMS and goals.

g. Encourage knowledge and understanding by all personnel of environmental management system requirements through comprehensive education, training, and awareness programs.

.04 The Department Environmental Manager shall track and report the progress of EMS implementation to the senior management and others as appropriate.

SECTION 5. POLICIES

.01 Operating Units shall implement an EMS at appropriate facilities in accordance with applicable Departmental policy, Executive Order 13148, *Greening the Government Through Leadership in Environmental Management* and the Department of Commerce EMS Implementation Guide available at http://www.osec.doc.gov/oas/environmental/ImplementationGuide.htm.

.02 EMSs shall be based on the framework of the International Organization for Standards (ISO) 14001, the Environmental Protection Agency (EPA) Code of Environmental Management Principles, or a standard approved by the Head of the Operating Unit.

.03 Include EMS audits in external environmental audits. See Chapter 4 of this Manual for additional information.

.04 Facilities implementing an EMS will use self-declaration or ISO 14001 standards to validate the EMS has been fully implemented.

SECTION 6. OBJECTIVES AND TARGETS

.01 Develop and implement an EMS at appropriate facilities by December 31, 2005.

.02 Annually, facilities implementing an EMS will report progress towards achieving their EMS objectives and targets.

SECTION 7. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 An effective EMS requires clear articulation of environmental responsibilities across the various elements of an organization. Environmental responsibilities cannot be confined to the environmental office or a designated office, they must be recognized as a prime responsibility of all employees.

.02 Environmental objectives and targets must describe the Operating Unit's goals for improving environmental performance. Examples of improved environmental performance or objectives include, as applicable, reducing air emissions, eliminating hazardous chemical/materials use, conserving raw materials, or reducing incidences of non-compliance. Targets are specific and measurable intermediate steps that can be measured in terms of obtaining the objectives. An example is "Achieving a 50% reduction in releases of certain toxic substances within two years." Various Executive Orders (see appendix A for a list of Executive Orders) and this Manual provide objectives and targets that must be adopted.

.03 Operating Units or appropriate facilities senior mangers must establish a procedure and schedule for reviewing their applicable EMS. These management reviews must be accomplished at least annually. This review should be designed to allow a phased approach, continual improvement, and consideration of changes in the Operating Units' programs. Annual reviews will vary according to the size and nature of the appropriate facility and how stable or dynamic the external influences are within the organization.

.04 In accordance with federal guidance, an EMS, to be valid, requires third-party certification, ISO 14001 certification, or self-declaration for compliance with EO 13148. Third-party and ISO certification can be expensive. The facility or Operating Unit seeking third-party certification will pay all costs for third-party or ISO certification.

.05 Operating Units and/or facilities that elect to use self-declaration must establish a process that provides for a credible, effective, and objective assessment of conformance with the EMS framework. The head of the facility must sign a letter certifying that the facility self-declared and forward it to the Department Environmental Manager. Any of the following protocols can be used to accomplish self-declaration:

a. ISO 14001 certification procedures. (Note: Registration with ISO is not required.)

b. EMS audit procedures and protocols established for the specific EMS being evaluated for self-declaration.

c. The Global Environmental Management Initiative, *ISO 14001 Environmental Management System Self Assessment Checklist*, available at http://www.gemi.org/docs/PubTools.htm.

d. *Oregon Green Permits Program Guide–Attachment B: EMS Description and References*, available at http://www.p2pays.org/ref/32/31063.htm.

.06 The self-declaration process must include the following:

a. Selection and direction on the use of the chosen self-declaration protocol.

b. The frequency of self-declaration internal and external evaluations. As a minimum, internal evaluations must be conducted annually and external evaluations at least once every 5 years.

c. A schedule for review of the appropriateness of the chosen self-declaration protocol and process. This review should be conducted before the external evaluation or at least once every 5 years.

d. Procedures for documenting completion of the self-declaration. Appropriate facilities that implement an EMS are required to follow the requirements in step 10 of the Department's *Environmental Management Systems Implementation Status Reporting Process* (available at http://www.osec.doc.gov/oas/environmental/ems.htm) for reporting implementation completion

to the Department Environmental Manager.

e. Requirements for follow-up actions to address inadequacies in the EMS. At a minimum, facilities implementing an EMS must develop and forward an executive summary of the inadequacies in the EMS along with corrective action plans to the Department Environmental Manager no later than 30 days after completion of the self-declaration.

f. Qualifications for the self-declaration team members. The lead evaluator for the initial and external self-declaration evaluations must be independent from the appropriate facility/EMS being evaluated. This independent evaluator may be from the Operating Unit headquarters, another Operating Unit, the Department, another agency or contract support. Lead evaluators must have at least one of the following qualifications:

- Completed formal training in performing environmental or EMS audits;
- Certified ISO 14001 Lead Auditor; or
- Certified Environmental System Manager from the National Registry of Environmental Professionals.

.07 Annually, appropriate facilities will forward the following to the Department Environment Manager:

a. List of their EMS objectives and targets.

b. Summary of the actions/initiatives taken to achieve objectives and targets.

c. Current status towards achieving those objectives and targets.

- END -

CHAPTER 6 - POLLUTION PREVENTION PROGRAM

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets to implement pollution prevention programs throughout the Department.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units.

.02 The provisions of this policy do not apply to the following:

a. Procurement, use, generation, storage, processing, disposal, or management of radioactive materials.

b. Additional pollution prevention requirements for transportation-related onshore and offshore facilities and vessels that are regulated by the United States Coast Guard.

SECTION 3. DEFINITIONS

.01 Ozone-depleting substance: An ozone-depleting substance (ODS) is any substance designated as a Class I or Class II substance by the EPA in 40 CFR 82, examples include the following:

a. Class I ODSs include any substance designated as Class I by the EPA pursuant to 42 U.S.C. 7671(a), including but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform.

b. Class II ODSs include any substance designated as Class II by the EPA pursuant to 42 U.S.C. 7671(a), including, but not limited to, hydro chlorofluorocarbons.

.02 Pollution Prevention: Pollution prevention is a practice that reduces or eliminates the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources; or the protection of natural resources by conservation.

.03 Source Reduction: Source reduction does not entail any form of waste management (e.g., recycling and treatment). Source reduction includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control and is any practice that:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, and disposal.

b. Reduces the hazards to public health and the environment associated with the release of hazardous substances, pollutants, or contaminants.

.04 Waste Minimization: Waste minimization is the practice of source reduction or recycling. Waste minimization does not include waste treatment, transfer of waste constituents from one environmental medium to another, concentration or dilution of wastes, or disposal of wastes.

SECTION 4. POLICY

.01 Department Operating Units will reduce the generation or release of pollutants, and the adverse effects on human health and the environment through pollution prevention and waste minimization.

.02 The Department emphasizes pollution prevention, including improvements in energy and resource utilization, as the "first choice" in achieving compliance with applicable environmental requirements as required in Section 303, Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*.

.03 Department Offices and Operating Units will incorporate pollution prevention and waste minimization into all phases of equipment and materials acquisition, operations, maintenance, support and disposal over the system life-cycle.

.04 Department Offices and Operating Units shall establish and execute cost-effective pollution prevention programs to reduce the volume of hazardous waste.

SECTION 5. OBJECTIVES AND TARGETS

.01 Department Offices and Operating Units shall:

a. By December 31, 2010, eliminate the priority chemicals in specific uses identified in the EPA Priority Chemical List (Table 6-1 on page 29) or reduce the amount of the priority chemicals by 50% from a 2005 baseline.

b. By December 31, 2010, phase out procurement of Class I ozone-depleting substances for all non-excepted uses.

c. Reduce the use of ozone-depleting substances.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Section 1003 (b) of RCRA established a national policy that encourages reduction or elimination of the generation of hazardous waste as expeditiously as possible, wherever feasible. Any waste generated should be treated, stored, and disposed of in ways that minimize future threats to human health and the environment.

.02 Section 6602 (b) of the Pollution Prevention Act clarified the national pollution prevention policy by setting priorities for preventing pollution. Pollution prevention priorities are ranked preferred to least preferred as follows:

a. Pollution should be prevented or reduced at the source, whenever feasible.

b. Pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible.

c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner, whenever feasible.

d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

.03 While the term pollution prevention often is used interchangeably with waste minimization, there are some differences. Pollution prevention is a broader term than waste minimization in that pollution prevention encompasses all pollutants, including air emissions, wastewater and solid wastes; energy and water consumption; and initial product design. In addition, while both terms encompass source reduction, certain types of recycling are considered waste minimization, but not pollution prevention. Generally, only closed-loop recycling, where chemicals are recycled or reused without being removed from the process, is considered pollution prevention. Off-site recycling, where wastes are taken from the process and recycled at another facility or a different area of the same facility, falls within the definition of waste minimization, but is not considered pollution prevention.

.04 In accordance with Executive Order 13148, the EPA established a Priority Chemical List (Table 6-1 on page 29) that targeted chemicals in specific uses for a 50% reduction by December 31, 2010. This reduction can be achieved by establishing a policy to eliminate the chemicals in the specific uses contained in the EPA Priority Chemical List. The EPA Priority Chemical List reduction program requirements and procedures include the following steps:

a. Identify the processes within the organization that operate the specific uses listed on the EPA Priority Chemical List.

b. Determine if the priority chemical is used in the process.

c. Calculate or estimate the 2005 baseline quantities of the chemicals by researching past reports, purchasing records, and other documents.

d. Replace existing use with a process that uses a non-priority chemical or substitute the priority chemical with a less hazardous chemical. Table 6-2, found on page 29, contains suggested alternatives to the listed uses and/or chemicals on the EPA Priority Chemical List."

.05 Ozone-depleting substances reduction program requirements and procedures include the following steps:

a. Identify all Class I and Class II ODS and the processes that use these substances.

b. Develop a plan to phase out the procurement of Class I ODS for all non-excepted uses by December 31, 2010.

c. Evaluate present and future uses of ozone-depleting substances and maximize the purchase and the use of safe, cost-effective, and environmentally preferable alternatives. Change equipment or processes to eliminate the use of ODS.

.06 Source reduction can be achieved by equipment or technology modification, process or procedure modification, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

.07 The EPA does not consider all recycling practices to be environmentally sound recycling for waste minimization purposes. In general, the EPA does not consider recycling activities that closely resemble conventional waste management activities to be waste minimization. An example includes treatment of wastes for the purposes of destruction or disposal. Certain other forms of waste treatment also are not considered waste minimization to include:

a. Transfer of hazardous constituents from one environmental medium to another, such as use of an air stripper to evaporate volatile organic constituents from an aqueous waste into the air.

b. Concentration activities conducted solely for reducing waste volume, unless concentration is an integral step in recovering useful constituents from the waste prior to treatment and disposal.

c. Dilution of waste to reduce toxicity, unless dilution is a necessary step in a recovery or recycling operation.

SECTION 7. REPORTS

.01 Submit the following information, annually, as detailed in Chapter 2 of this Manual, to the Department Environmental Manager:

a. Status of plan to eliminate Class I ODS.

b. Pollution prevention initiatives undertaken during the past quarter along with results of the initiatives.

c. The 2005 baseline for Table 6-1 (see page 29) chemicals and progress towards achieving the 50% reduction or the policy eliminating the chemicals in the uses listed in Table 6-1.

Table 6-1: EPA Priority Chemical List

Use	Chemical	Limitations/Exceptions	Reporting Thresholds	Reporting Measurements
Temperature and pressure monitoring devices (medical and industrial)	Mercury	Exempt where called for in 3rd party specifications or certifications such as ASTM, NIST, EPA	0 Pounds	Pounds of Mercury
Switches	Mercury	Only for new construction, renovation in facilities and replacement in hardware.	0 Pounds	Pounds of Mercury
Electroplating Processes	Cadmium	None	0 Pounds	Pounds of Cadmium used
Tin/Lead Soldering (electrical & electronic components)	Lead	Repair and re-work operations only.	0 Pounds	Pounds of lead solder used
Pesticide	Napthalene	None	0 Pounds	Pounds of Napthalene used
Insulating materials (dielectric fluids in transformers and ballasts)	PCBs	None	0 Pounds	Pounds of PCBs in fluid

Table 6-2: Suggested Alternatives

Use	Chemical	Suggested Alternatives
Temperature and pressure monitoring devices (medical and industrial)	Mercury	Aneroid manometers- digital and electronic temperature measuring devices
Switches	Mercury	Electronic thermostats, mechanical switches, ultrasonic and photoelectric senors
Electroplating Processes	Cadmium	Alternative metal coatings, metal deposition, flame coating, limited area plating
Tin/Lead Soldering (electrical & electronic components)	Lead	Tin copper eutectic, ting silver eutectic
Pesticide	Napthalene	Integrated Pest Management techniques including process changes
Insulating materials (dielectric fluids in transformers and ballasts)	PCBs	Early retirement of existing PCB containing equipment

- END -

CHAPTER 7 - HAZARDOUS CHEMICALS

SECTION 1. PURPOSE

.01 The Chapter prescribes the policies, objectives and goals for:

a. The storage and use of chemicals and, where applicable, the spill contingency and response requirements for hazardous or regulated chemicals in a manner consistent with applicable federal, state and local laws and regulations.

b. Affirmative procurement programs for the acquisition of the items with the highest percentage of recovered materials practicable consistent with EPA guidelines.

.02 Oils, pesticides, asbestos and asbestos-containing materials and underground and aboveground storage tanks require special management practices that are addressed in subsequent chapters of this Manual.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units that store, handle, and purchase hazardous or regulated chemicals.

SECTION 3. DEFINITIONS

.01 Hazardous Chemical/Material: For the purposes of this Chapter, a hazardous or regulated chemical or material is:

a. Any chemical or material defined as hazardous in 29 CFR 1910 or 1026.

b. Any item or chemical which is reportable or potentially reportable as inventoried under the requirements of the hazardous chemical reporting, i.e., 40 CFR 355, 370 and or 372.

c. Any item or chemical which, when being transported or moved on public roads, is a risk to public health or safety or an environmental hazard and is regulated by, but not limited to, the following requirements.

- Department of Transportation Uniform Safety Act (49 CFR 100-185) as amended.
- International Maritime Dangerous Goods Code of the International Maritime Organization as amended.
- Dangerous Goods Regulations of the International Air Transport Association as amended.
- Technical Instructions of the International Civil Aviation Organization as amended.

SECTION 4. POLICY

.01 Department Operating Units that handle, use, and/or store hazardous or regulated chemicals shall:

a. Follow legally applicable, relevant and appropriate federal, state and local regulations related to hazardous chemicals/materials.

b. Apply best management practices to reduce risk to human health and the environment from hazardous chemicals/materials. These practices will be applied throughout the life cycle of the hazardous chemical/material.

c. Avoid, reduce, or eliminate the use of hazardous chemicals/materials and the generation of regulated hazardous waste. Apply improved procurement practices and inventory control to prevent regulated hazardous waste generation through material spoilage, shelf-life expiration, or improper inventory control.

d. Minimize the use of hazardous chemicals/materials through proactive pollution prevention actions and affirmative procurement programs.

e. Notify the Department Environmental Manager of any known or suspected violations of any applicable federal, state or local laws or regulations related to hazardous chemicals/materials.

f. Manage and remove polychlorinated biphyenls (PCB) items in accordance with 40 CFR 761.

g. Comply with all the provisions of EPCRA (40 CFR 355, 370, and 372), to include maintaining an inventory and submitting required reports to the appropriate federal, state and local emergency planning commissions, and the Environmental Protection Agency.

.02 Heads of Operating Units that use, store and/or handle hazardous chemicals/materials shall:

a. Implement a Hazardous Chemicals/Materials Management Plan and/or Chemical Hygiene Plan to ensure that hazardous and regulated chemicals/materials are used, stored, handled, and disposed of appropriately.

b. Ensure employees are trained in the proper use, handling, and storage of hazardous chemicals/materials.

c. Maintain, and make readily available, Material Safety Data Sheets (MSDS) for each hazardous chemical/material on-site. The use of the world-wide web access for MSDS databases is allowed as defined in OSHA 29 CFR 1910 and 1926.

SECTION 5. OBJECTIVES AND TARGETS

.01 Develop and implement a Hazardous Chemicals/Materials Management Plan and/or Chemical Hygiene Plan.

.02 Establish affirmative procurement programs to reduce and/or control hazardous chemical/material purchases when and where applicable, in accordance with laws, regulations, and Executive Orders.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The definition of hazardous chemicals/materials varies by federal, state, and local regulations. Check regulations to ensure the most accurate definition.

.02 Develop and implement a Hazardous Chemicals/Materials Management Plan and/or Chemical Hygiene Plan that identifies hazardous chemicals/materials, management requirements, assigns responsibilities for management, and establishes local operating procedures. The Hazardous Materials Chemicals/Materials Management Plan should address the following:

a. Strategy for complying with applicable laws and regulations.

b. Procedures to obtain and comply with any permits required for hazardous chemical/material storage or use.

c. Handling and storing requirements.

d. Hazardous chemical/material disposal procedures.

e. Procedures for procuring hazardous chemicals/materials.

f. Worker training requirements.

g. Spill control equipment requirements and procedures.

h. Emergency preparedness/response protocols.

.03 Maintain a current list of hazardous chemicals/materials to comply with:

a. Community notifications required by Emergency Planning and Community Right-to-Know Act (EPCRA).

b. Spill reporting required by the Clean Water Act (33 U.S.C. 1251) and Environmental Protection Agency 40 CFR as amended.

c. Occupational Safety and Health Administration hazard communication requirements (29 CFR 1910.1200 and 29 CFR 1926) and Chemical Hygiene Plan (29 CFR 1910.1450).

.04 Transport hazardous chemicals/materials over public highways and onsite areas accessible to the general public in accordance with the Hazardous Materials Transportation Uniform Safety Act (49 USC 5101), and applicable state and local regulations. Transportation of hazardous chemicals/materials at on-site areas will be conducted in a manner to preclude spills or releases to the environment, and to enhance personnel safety.

.05 Hazardous chemical/material storage areas should be designed and constructed to prevent releases to the workplace and/or environment.

.06 Excess or unserviceable hazardous chemical/material stocks should be managed emphasizing waste minimization techniques such as reuse, recycling, energy recovery, and detoxification (reducing the volume and/or toxicity when and where applicable).

.07 Manage polychlorinated biphenyls (PCBs) in place unless operational, economic, or regulatory considerations justify removal. Economic analysis will include potential environmental damage.

.08 The management, use, disposal, and cleanup of PCBs, must comply with 40 CFR 761.

.09 Small PCB capacitors that preserve the integrity of the container should be disposed intact as opposed to crushing or other processes that may result in a release of PCBs.

.10 The Commerce Acquisition Manual, 1323.70, Affirmative Procurement Program, establishes an affirmative procurement programs for all EPA-designated guideline items. This program is designed to meet the requirements of Section 6002 of the Resource Conservation and Recovery Act and Executive Order 13101.

- END -

CHAPTER 8 - HAZARDOUS AND SOLID WASTE MANAGEMENT

SECTION 1. PURPOSE

.01 This Chapter prescribes policies, objectives, and targets for managing hazardous and solid wastes through improved awareness, program management, and accountability.

SECTION 2. SCOPE

.01 The provisions in this Chapter apply to Department Operating Units that generate hazardous and solid waste.

SECTION 3. DEFINITIONS

.01 Hazardous Waste Generator: A generator is a person or site, whose act or process produces hazardous waste or whose act first subjects hazardous waste to regulation. Environmental Protection Agency and state environmental regulatory agencies consider entire sites as the generator. Therefore, in this Chapter, hazardous waste generator shall refer to the entire, contiguous site, facility, or operating unit.

.02 Hazardous Waste: A hazardous waste is any solid waste defined or listed as hazardous according to 40 CFR 261.3 (Identification and Listing of Hazardous Waste) or, where applicable, each State's hazardous waste management rules and regulations.

.03 Solid Waste: Solid waste is any discarded material as defined according to 40 CFR 261.2 or, where applicable, each State's solid waste management rules and regulations.

SECTION 4. POLICIES

.01 Department Operating Units shall comply with legally applicable and appropriate federal, state, and local laws and regulations for managing, generating, treating, storing, disposing, and transporting hazardous and solid wastes. This includes the terms and conditions of federal, state, or local hazardous and solid wastes permits.

.02 Department Operating Units, where appropriate, will establish local procedures and responsibilities for the execution of a waste management program that emphasizes pollution prevention, waste prevention, waste minimization and individual responsibilities to achieve compliance.

.03 Waste management procedures will be designed upon the following principles:

a. Whenever and wherever feasible, seek to prevent the generation and acquisition of hazardous wastes.

b. Whenever waste generation is unavoidable, work to reduce the amounts, toxicity, or risk, generated through the use of sound waste management practices.

c. Wherever feasible, move aggressively to clean up and restore areas contaminated by pollution.

.04 Each hazardous waste generator shall develop and implement a Hazardous Waste Management Plan that outlines compliance with federal, state and local laws and regulations.

.05 Department Operating Units should consider the assignment of a Recycling Coordinator at appropriate facilities to oversee and coordinate recycling programs.

SECTION 5. HAZARDOUS AND SOLID WASTE MANAGEMENT OBJECTIVES AND TARGETS

.01 Hazardous waste generators shall comply with federal, state, and local laws and regulations regarding the handling and disposal of hazardous and solid wastes.

.02 Department Operating Units shall:

a. Divert solid waste away from landfill disposal and meet the goals established in the *Department of Commerce, Strategic Plan to Implement Executive Order 13101*.

b. Recycle or reuse the following commodities, at all facilities, unless significant barriers (e.g., lack of markets, cost effectiveness, etc.) exist: white paper, mixed paper/newspaper, cardboard, aluminum, plastic (#1 PET and #2 HDPE), glass, pallets, scrap metal, toner cartridges, used oil, used ethanol, and, consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, unwanted cell phones, and rechargeable batteries.

c. Maximize the use of two-sided copying and electronic messaging to reduce waste.

d. Where cost effective, refurbish rather than replace used furniture.

e. Where it is economically feasible, reduce the quantity, volume, or toxicity of hazardous wastes, emphasizing source reduction and material substitution methods.

f. Cooperate, to the extent practical and where cost effective, in recycling and solid waste minimization programs conducted by local communities.

SECTION 6. HAZARDOUS WASTE MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Report to the Department Environmental Manager all hazardous waste enforcement action taken against a facility or Department Operating Unit.

.02 All hazardous waste generators shall maintain a list of the hazardous waste that is generated, stored, treated, disposed of on-site, or transported off-site, including by whom and where.

.03 All persons handling or managing hazardous waste will be trained to perform their responsibilities in a safe and environmentally acceptable manner.

.04 As applicable, Operating Units shall dispose of special medical waste in accordance with applicable provisions and implementing regulations of the Medical Waste Tracking Act of 1988, state, and local requirements.

.05 The Hazardous Waste Management Plan should contain the following elements:

a. Emergency information and contacts.

b. Introductory materials such as a table of contents, record of annual review, record of changes and a list of tables and figures.

c. An introduction that discusses the activities that generate hazardous waste.

d. A description of responsibilities for managing hazardous waste.

e. Location maps showing the location of accumulation and storage sites.

f. The latest version of the hazardous waste inventory.

g. A description of the process to characterize waste and a copy of the latest waste analysis results cross-referenced to the hazardous waste inventory.

h. Hazardous waste management procedures.

i. Hazardous waste reporting requirements and copies of the latest report.

j. Training requirements for the workers that handle or manage hazardous waste and copies of certificates showing completed training. Hazardous waste training will cover, at a minimum, the following topics:

- Brief discussion and introduction to the Resource Conservation and Recovery Act, including basic requirements for site specific hazardous waste management.
- The proper procedures for the identification of hazardous waste.
- The proper procedures for managing a hazardous waste accumulation or storage site.
- Hazardous waste container use, marking, labeling, and segregation.
- Hazardous waste turn-in procedures.
- Manifesting and transporting hazardous waste.
- Spill prevention and emergency response.
- Hazardous waste reduction strategies.
- Personnel and fire safety practices.

k. If applicable, copies of the Spill Control and Countermeasures Plan and/or contingency/spill plan.

l. List of required equipment and spill response supplies to be maintained at all hazardous waste accumulation and storage sites.

.06 Accumulation and storage sites should be sited in locations that facilitate compliance.

.07 Assign an individual to manage each accumulation and storage site. This individual must be trained in the proper management of the accumulation or storage site.

.08 Periodically verify permits and licenses for treatment, storage and disposal facilities that receive hazardous wastes.

SECTION 7. SOLID WASTE MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Use integrated solid waste management procedures, techniques, and practices to manage solid wastes. Refer to Chapter 6 for additional information.

.02 Department Operating Units, and facilities will cooperate, to the extent practicable, in recycling programs conducted by the local community.

.03 Free cell phone and rechargeable battery recycling is available from the Rechargeable Battery Recycling Corporation (RBRC). The RBRC provides collection boxes with prepaid shipping labels, instructions, and plastic bags to hold each battery or cell phone. Call 1-800- 8-BATTERY or visit www.rbrc.org.

- END -

CHAPTER 9 - AIR QUALITY

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for compliance with the Clean Air Act (CAA).

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to Department Operating Units with devices/discharges subjected to air permit requirements, the CAA or other federal, state, or local air quality standards.

.02 Provisions for indoor air quality are not addressed in this chapter.

SECTION 3. DEFINITIONS

.01 Air Pollutant: An air pollutant is any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material and byproduct material) substances or matter which is emitted into or otherwise enters the ambient air and for which ambient air quality standards have been established. (For some examples, see Section 6.02 of this Chapter.) Such term includes any precursors to the formation of any air pollutant, to the extent the Environmental Protection Agency (EPA) has identified such precursor or precursors for the particular purpose for which the term "air pollutant" is used.

.02 Air Pollution Source: An air pollution source is any stationary source of air pollutant(s) that is built or modified after publication of final or proposed regulations which prescribe a standard of performance intended to apply to that type of air pollutant produced. A stationary source is described as a fixed, non-moving producer of pollution, such as power plants and other facilities using industrial combustion processes, paint spray booths, fuel storage tanks, and solvent cleaning facilities.

.03 Non-Attainment Area: A non-attainment area is any geographic area that does not meet one or more of the national ambient air quality standards for the criteria pollutants designated through the CAA.

SECTION 4. POLICIES

.01 Department Operating Units or facilities that operate, modify, demolish, or construct air pollution sources will obtain and/or periodically renew construction or operating permits as required by federal, state, or local air pollution control agencies.

.02 Air pollution sources will be designed, constructed and operated according to EPA-issued new source performance standards or more stringent state or local requirements.

.03 Department Operating Units must establish budgeting and funding policies for their facilities permit fees.

SECTION 5. OBJECTIVES AND TARGETS

.01 Comply fully with the provisions of the CAA, state, and local laws and regulations and applicable permit requirements for its facilities.

.02 Reduce or minimize volatile organic compound emissions and nitrogen oxides emissions in an effort to reduce ambient ozone levels.

.03 When cost effective, procure alternative clean-fuel vehicles in affected non-attainment areas.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The CAA assigns primary responsibility for the control of air pollutants to the states. Federal regulations provide a framework that each state uses to design specific regulatory strategies to deal with air pollution within its boundaries. State programs are formalized in state implementation plans. Once approved by the EPA, these state implementation plans become federally enforceable. States may impose more stringent air quality restrictions than federal requirements. Department Operating Units and facilities shall follow the more stringent requirements.

.02 The major requirements of the CAA include the following:

a. 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS) are uniform national standards that apply to new, modified and existing stationary sources. The air pollutants regulated include asbestos, beryllium, mercury, inorganic arsenic, vinyl chloride, benzene, and radionuclides.

b. 40 CFR 50, National Ambient Air Quality Standards (NAAQS) are air pollutants which may be harmful to the public health or welfare. NAAQS are regulated as either primary or secondary ambient air quality standards. Primary standards reflect the level of attainment necessary to protect the public health, allowing for a margin of safety. Secondary standards, when prescribed, are designed to protect public welfare in addition to health.

c. 40 CFR 50-69, CAA Title V is the newest amendment (circa 1990). It requires the EPA to regulate source categories of 189 toxic air pollutants and meet maximum achievable control technology standards for each source category.

d. 40 CFR 60, New Source Performance Standards (NSPS) apply to individual air pollution sources. NSPS are established by the EPA for individual industrial or source categories and include emission standards; notification and testing procedures; and monitoring and reporting requirements. These standards are designed to reflect the Best Available Control Technology (BACT) for each source category. New source performance standards are uniform national EPA standards that limit the amount of pollution allowed from new or existing air pollutant sources that have been modified.

e. 40 CFR 52.21, Prevention of Significant Deterioration Program (PSD) preserves air quality in areas where ambient standards have been met (attainment areas). The PSD program requires preconstruction review and application of BACT for all emission sources of a given size and industrial category planning to construct or reconstruct facilities.

.03 Air quality compliance involves prevention, control, abatement, documentation, and reporting of air pollution from air pollution sources. Maintaining compliance with air quality regulations may require reduction or elimination of emissions from existing sources, and control of new pollution sources.

.04 State regulations generally establish emission limits for various types of air pollution sources and require permits for construction, modification, and operation of these sources of air pollutants. Performance testing and periodic or continuous emission monitoring may be required to assure compliance with emissions limits. Both civil and criminal penalties may be imposed for permit violations.

.05 Permits and permit fees.

a. The CAA Amendments of 1990 established a nationwide permit program for air pollution sources. States issue federally enforceable operating permits. These permits are designed to enhance the ability of the EPA, state, local regulatory agencies, and private citizens to monitor and enforce the CAA requirements.

b. Permits typically clarify operating, controlling, record keeping, and reporting requirements for affected air pollution sources.

c. Permit applications may require the preparation of detailed plans to include compliance plans for air pollution sources. These plans accompany each permit application. Failure to comply with the plan or permit can be grounds for enforcement action.

.06 Engineering and economic analyses should be performed for each project requiring specification or installation of equipment for the control of air pollutants. These analyses will ensure the selected control technology meets compliance requirements, does not create an unacceptable health or safety risk, and is cost effective.

.07 When planning and/or designing a new air pollution source or modifying an existing source, coordinate the design with responsible EPA, state, or local authorities at the earliest practical time.

- END -

CHAPTER 10 - ASBESTOS MANAGEMENT

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets to effectively manage asbestos.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Departmental Operating Units with building owner or building operations and maintenance (O&M) responsibility (i.e. cleaning, maintenance, repair, or renovation work).

.02 Not all Occupational Safety and Health Administration (OSHA) program requirements are covered in this Chapter.

SECTION 3. DEFINITIONS

.01 Abatement: The removal of asbestos containing material from a damaged area, a functional space, or a homogeneous area in a building.

.02 Asbestos: Asbestos means the asbestiform varieties of chrysotile; crocidolite; amosite; anthophyllite; tremolite; and actinolite.

.03 Asbestos-Containing Building Material (ACBM): ACBM refers to any building material which contains more than 1% asbestos.

.04 Asbestos-Containing Material (ACM): ACM refers to any material or product which contains more than one percent asbestos.

.05 Asbestos Management Plan (AMP): The AMP is a permanent record of the current status and condition of all asbestos containing material in an installation's facility inventory. The AMP also contains the documentation and procedures for all asbestos management efforts to ensure compliance with applicable federal, state, and local regulations.

.06 Friable ACM: Friable ACM means any material, containing more than 1% asbestos, which, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. (examples: pipe insulations, sprayed-on fireproofing, and boiler insulation)

.07 Management in Place: Management in place refers to principle of maintaining intact, undisturbed asbestos so that is does not become damaged or disturbed and release asbestos fibers.

.08 Non-friable: Non-friable ACM means any material, containing more than 1% asbestos, which, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

.09 Operations and Maintenance (O&M) Program: O&M is a program of work practices to maintain ACM in good condition, ensure clean up of asbestos fibers previously released, and prevent further release by minimizing and controlling ACM disturbance or damage.

.10 Permissible Exposure Limit (PEL): The PEL for asbestos is 0.1 fibers/cubic centimeters (f/cc) and is based upon the average exposure for a complete 8-hour work shift.

.11 Repair: Repair means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.

SECTION 4. POLICIES

.01 Department Operating Units shall:

a. Comply with all federal, state, and local laws and regulations on the management, handling, transportation, and disposal of ACM.

b. Manage all undamaged ACM in place.

c. Presume all damaged ACM is hazardous due to its potential to release airborne asbestos fibers.

d. Abate, maintain, isolate, repair, or remove damaged ACM to prevent further disturbance and subsequent release of airborne fibers. ACM that can not be abated, maintained, isolated or repaired must be removed.

e. Develop and maintain an AMP.

SECTION 5. OBJECTIVES AND TARGETS

.01 Prevent the release of airborne asbestos fibers above the regulated PEL.

.02 Applicable Department Operating Units shall identify all ACM and implement and maintain an AMP.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 States may impose asbestos standards equal to or more stringent than federal requirements. Department Operating Units must follow the more stringent requirements.

.02 Asbestos is a problem because, as a toxic substance and a known carcinogen, it can cause several serious diseases in humans. Symptoms of these diseases typically develop over a period of years following asbestos exposure.

.03 ACM in buildings does not always pose a problem or a hazard to occupants and workers in those buildings. Intact, undisturbed ACM generally does not pose a health risk. Intact, undisturbed ACM may become hazardous and pose increased risk when damaged, deteriorated, or disturbed in some manner, that causes the release of asbestos fibers into building air.

.04 The principle of "management in-place" is designed to keep asbestos fiber levels low and train personnel responsible for operations and maintenance (O&M) activities to recognize and manage ACM.

.05 Proper management of asbestos involves identification, assessment and management of ACM, and if necessary, abatement and removal. In order to prevent exposing individuals to concentrations of asbestos fibers above the regulated PEL, Department Offices and Operating Units shall:

a. Identify ACBM in their buildings.

b. Manage ACM in a way to minimize or contain release or exposure of airborne asbestos fibers.

c. Remove ACM likely to release airborne asbestos fibers which can not be reliably maintained, repaired, or isolated.

d. Develop, implement, and maintain a written AMP.

e. Prior to the demolition or renovation of a building, determine if the work will disturb ACM and take appropriate action.

.06 Appropriately trained persons should evaluate the risk to facility occupants, use of the facility, feasibility of repair, frequency of repair, and cost-effectiveness when deciding whether to remove or repair damaged friable asbestos materials.

.07 The AMP should:

a. Assign roles and responsibilities.

b. Establish inspection and repair capabilities.

c. Establish a notification and education program to inform workers, tenants, and building occupants where friable ACM is located including how and why to avoid disturbing the ACM.

d. Determine O&M equipment and supply requirements.

e. Establish procedures for interim control measures and fiber release episodes.

f. Establish procedures to assess and prioritize damaged ACMs for abatement.

g. Define requirements for asbestos abatement contractors and analytical laboratories.

h. Direct surveillance to note, assess, and document any changes in the ACM's condition.

i. Establish work control systems (operations and maintenance) to control activities which might disturb ACM. (O&M)

j. Develop work practices to avoid or minimize fiber release during activities affecting ACM.

k. Maintain records relating to asbestos identification management and abatement.

l. Develop and implement procedures to prevent the use of ACM in new construction.

m. Establish O&M training requirements for maintenance and custodial personnel.

- END -

CHAPTER 11 - LEAD-BASED PAINT MANAGEMENT

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets to establish and implement a program to identify, control or eliminate lead-based paint (LBP) hazards, through interim controls or abatement.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units with building operations and maintenance (O&M) responsibility and child-occupied or residential facilities.

.02 Not all Occupational Safety and Health Administration program requirements are covered in this Chapter.

SECTION 3. DEFINITIONS

.01 Abatement: Abatement is any measure or set of measures designed to permanently eliminate LBP hazards. Abatement includes, but is not limited to:

a. The removal of LBP and lead-contaminated dust, the permanent enclosure or encapsulation of LBP, the replacement of lead painted surfaces or fixtures, and the removal or covering of lead contaminated soil.

b. Preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. (Note: Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate LBP hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling even though these activities may incidentally result in a reduction or elimination of LBP hazards. Furthermore, abatement does not include interim controls, operations, and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce LBP hazards.)

.02 Child-Occupied Facility: A child-occupied facility is a building or a portion of a building constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least 2 different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, daycare centers, preschools, and kindergarten classrooms.

.03 Deteriorated Paint: Deteriorated paint is any paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.

.04 Lead-Based Paint (LBP): LBP is any paint or other surface coating that contains lead equal to or in excess of 1.0 mg/cm^2 or 0.5 percent by weight unless otherwise identified by state regulations.

.05 Lead-Based Paint Hazard: A LBP hazard is any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or LBP that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Environmental Protection Agency (EPA) or authorized regulatory agency pursuant to the Toxic Substances Control Act (TSCA).

.06 Lead Contaminated Dust: Lead contaminated dust is surface dust in residential dwellings, or child-occupied facilities that contains an area or mass concentration of lead at or in excess of levels identified by the EPA or authorized regulatory agency pursuant to TSCA.

.07 Lead Contaminated Soil: Lead contaminated soil is bare soil on residential real property and on the property of a child-occupied facility that contains lead at or in excess of levels identified by the EPA or authorized regulatory agency pursuant to TSCA.

.08 Paint in Poor Condition: Paint in poor condition is described as more than 10 ft of deteriorated paint or exterior components with large surface areas; or more than 2 ft^2 of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or when more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

.09 Renovation: Renovation is the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 CFR 745.223. The term renovation includes (but is not limited to): the removal or modification of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity, such as sanding, scraping, or other such activities that may generate paint dust; the removal of large structures (e.g., walls, ceiling, large surface re-plastering, major plumbing), and window replacement.

.10 Target Housing: Target housing is any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is < 6 years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling (40 CFR 745.103 and 745.223).

SECTION 4. POLICIES

.01 Department Operating Units subject to the scope of this Chapter will:

a. Comply with all federal, state and local laws and regulations regarding the handling, use, disposal, abatement, and control of LBP.

b. Develop and implement a written LBP hazard management program to identify, evaluate, and reduce LBP hazards in child-occupied facilities.

c. Manage LBP hazards through interim controls or abatement.

d. Ensure occupant and worker protection measures are taken during all repair, maintenance, and renovation activities that disturb areas known or assumed to have LBP.

e. Disclose to occupants/users of child-occupied facilities the presence of any known LBP or LBP hazards, along with steps taken to reduce or eliminate the hazards and information on LBP hazard reduction plans occupants or users may employ.

SECTION 5. OBJECTIVES AND TARGETS

.01 Identify LBP hazard surfaces in child-occupied facilities.

.02 Implement an up-to-date LBP management plan in applicable Department Offices and Operating Units focusing on LBP hazards in child-occupied facilities.

.03 Notify occupants/users of LBP hazards and provide information on LBP hazard reduction measures they can use.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 States may have imposed LBP standards more stringent than federal requirements. Department Offices and Operating Units shall follow the more stringent requirements.

.02 While exposure to lead is a concern for all, childhood lead poisoning is one of the most common and preventable pediatric health problems in the United States today. Experts agree there are three major sources of lead exposure to children: (1) LBP, (2) lead-contaminated soil and dust, and (3) lead-contaminated drinking water. These sources are considered major because of the number of children potentially exposed.

.03 Children can be exposed to lead through ingestion of lead containing paint chips and dust via hand to mouth activities. Lead was a common ingredient in residential interior and exterior oil-based paints produced prior to 1950. As the LBP deteriorates from age or mechanical forces, lead is released into the environment. The most common household occurrence of lead is in house dust on window sills where the window trim has been coated with LBP. This is because the LBP is abraded during window opening/closing over a long period of time.

.04 The major source of lead exposure for adults is from operations involving maintenance, renovation, abatement work, and corrosion control of items previously painted with LBP. Workers who may be exposed to lead include abrasive blasters, inspectors, painters, and cleaning personnel working in areas where lead-containing dust may be present. In addition to these

potential occupational exposures, lead may be brought into a home on the clothing of personnel who work in lead-related areas. This occurs when personnel do not employ proper work practices or use proper personal protective equipment when performing lead-related work.

.05 When leasing or selling target housing, the Department is required to disclose any knowledge it has of the presence of known LBP and/or LBP hazards (40 CFR 745.100). In addition, a pamphlet with lead hazard information must be provided.

.06 All LBP activities are required to be performed by certified individuals and firms. Certification is available for inspectors, risk assessors, supervisors, project designers, and abatement workers.

- END -

CHAPTER 12 - UNDERGROUND AND ABOVEGROUND STORAGE TANKS

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for complying with environmental standards applicable to underground and aboveground storage tanks.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units with underground and aboveground tanks subject to federal, state, or local requirements. See 40 CFR 280.12 for definitions of tanks that are not underground storage tanks and therefore not subject to federal regulations. 40 CFR 280.10 excludes and defers certain underground storage tanks from federal requirements. The following kinds of tanks are not covered by this policy:

a. Farm and residential tanks of 1,100 gallons or less capacity holding motor fuel used for noncommercial purposes.

b. Tanks storing heating oil used on the premises where it is stored.

c. Septic tanks and systems for collecting storm water and/or wastewater.

d. Flow-through process tanks.

e. Emergency spill and overfill tanks.

SECTION 3. DEFINITIONS

.01 Cathodic Protection: Cathodic protection is a technique for preventing corrosion of a metal surface by making the surface the cathode of an electrochemical cell. A tank system can be cathodically protected by applying either galvanic anodes or impressed current.

.02 Free Product: Free product is a regulated substance that exists as a liquid that does not dissolve in water.

.03 Petroleum Underground Storage Tank: A petroleum underground storage tank is a tank system containing petroleum or a petroleum mixture, including: motor fuels, fuel oils, lubricants, petroleum solvents, and used oils.

.04 Release: A release is the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a substance from an underground storage tank into groundwater, surface water, or soil.

.05 Underground Storage Tank (UST): Any tank or combination of tanks (including underground pipes connected to the tank) that contains an accumulation of regulated substances, where 10 percent or more of the volume (including underground pipes connected to the tank) lies beneath the ground surface.

SECTION 4. POLICIES FOR UNDERGROUND STORAGE TANKS

.01 Eliminate USTs, where economically beneficial, to reduce long-term operating costs and future liabilities resulting from leaks. Eliminate USTs by locating tanks in vaults, constructing aboveground tanks, or revising operating practices.

.02 Department Office and Operating Units shall develop and maintain a comprehensive list of USTs and piping locations in order to accurately track and report compliance status.

.03 Ensure new and existing USTs and associated piping are designed and constructed to provide corrosion protection, release detection, spill and overfill prevention, double walls or secondary containment. Follow 40 CFR 265 for UST systems containing hazardous waste.

.04 Consider replacing rather than upgrading existing tanks holding less than 1,000 gallons.

.05 Periodically check UST systems for leaks.

.06 Notify the applicable regulatory agency and the Department Environmental Manager within 24 hours when:

a. A release equals or exceeds a reportable quantity or poses a significant harm to the environment.

b. Unusual conditions occur, such as apparent erratic behavior of equipment, loss of product, or unexplained water in tanks.

c. A spill or overfill of more than 25 gallons occurs, causes a sheen on nearby surface water, or otherwise equals or exceeds the reportable quantity for the spilled substance.

.07 Unless the regulatory agency directs otherwise, submit a report of initial abatement actions within 20 calendar days after confirming a release. Send a copy of the report to the Department Environmental Manager.

.08 Submit a detailed follow-up report to the appropriate regulatory agency within 45 calendar days after confirming the release. Submit a copy to the Department Environmental Manager. The report shall include:

a. The name of the operating unit or facility point of contact.

b. The nature and estimated quantity of release.

c. Information on surrounding population, water quality, use and locations of potentially affected wells, subsurface soil conditions, locations of sewers, climatologically conditions, and land use.

d. Results of the initial site check.

e. The cause of the release.

f. Results of the free-product investigation, including:

- Estimated quantity, type, and depth of any free product.
- Type of recovery system.
- Location of on-site or off-site discharges.
- Type of treatment and effluent quality.
- Steps taken to obtain necessary permits.
- The disposal procedure or plan for disposal of any recovered free product, contaminated soil, or groundwater.

SECTION 5. POLICIES FOR ABOVEGROUND STORAGE TANKS

.01 Department Operating Units, and facilities with ASTs must:

a. Comply with the requirements of the Oil Pollution Prevention (40 CFR 112) and all state and local requirements as appropriate.

b. Maintain a list of all AST locations and their characteristics.

c. Obtain all required environmental permits, including permits for constructing and operating ASTs to include storm water discharges from diked areas and oil/water separators.

d. Install drainage or diking at ASTs to prevent any accidental discharges from endangering adjoining property or reaching waterways.

e. Report AST spills to federal, state, and local regulators, if applicable. Report all AST spills/releases of over 100 gallons to the Department Environmental Manager within 24 hours of confirmed spill/release.

SECTION 6. OBJECTIVES AND TARGETS

.01 Maintain all tanks in accordance with prescribed requirements.

.02 Maintain an up-to-date list of ASTs and USTs.

.03 Upgrade or replace existing non-compliant USTs.

.04 Meet all reporting requirements.

SECTION 7. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 USTs installed after December 22, 1988, must meet the requirements for new USTs, to include construction standards, leak detection, spill, overfill, and corrosion protection requirements.

.02 USTs installed before December 22, 1988, must have had leak detection installed by December 1993 and spill, overfill, and corrosion protection installed by December 1998.

.03 UST systems for hazardous substances must have secondary containment. Secondary containment requirements may be met by using double-walled tanks and piping, liners, or vaults. Hazardous substance UST liners must meet code requirements and be compatible with the stored substance.

.04 Prevent corrosion by installing tanks make of fiberglass-reinforced plastic, cathodically protected steel, or steel-fiberglass-reinforced plastic composite.

.05 Prevent spills by ensuring available tank capacity exceeds the volume of the product and monitoring transfer operations constantly.

.06 Use qualified technicians to repair and certify USTs according to national codes and standards.

.07 Provide records to regulatory authorities during on-site visits that prove compliance with certain requirements. Maintain and keep records long enough to show recent compliance status in the following major areas:

a. Leak detection system performance and maintenance records to include:

- The last year's monitoring results and the most recent tightness test.
- Copies of performance claims provided by leak detection manufacturers.
- Records of recent maintenance, repair, and calibration of on-site leak detection equipment.

b. Required inspections and tests of the corrosion protection system.

c. Repair or upgrade records that indicate the work was properly performed.

d. Site assessment records resulting from permanent closure of an UST. Keep this record for at least 10 years after closing the UST.

- END -

CHAPTER 13 - WASTEWATER MANAGEMENT

SECTION 1. PURPOSE

.01 This Chapter describes the policies, objectives, and targets to ensure the availability, conservation, and protection of water resources. It encompasses wastewater treatment and pollution abatement.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units subjected to federal, state, and local laws for water resource protection or those Operating Units that treat wastewater.

.02 The control of oil and hazardous substance spills is addressed in Chapter 15 of this Manual.

SECTION 3. DEFINITIONS

.01 Best Management Practices: Best management practices are measures or practices to reduce amounts of pollutants entering surface water, air, land, or groundwater. Best management practices can be a process, activity, or physical structure.

.02 Discharge Permit: A discharge permit authorizes discharging wastewater or storm water to the waters of the United States or to a publicly-owned treatment works (POTW).

.03 Domestic Wastewater: Domestic wastewater is wastewater that contains human wastes and wastewater from food preparation, laundry, bathing, and similar activities. Domestic wastewater typically includes wastewater from housing units and wastewater from commercial or industrial facilities that is similar to that from housing units. Domestic wastewater does not include industrial process wastewater.

.04 Industrial Wastewater: Industrial wastewater is wastewater from industrial activities such as electroplating, metal finishing, corrosion control, vehicle maintenance, and other industrial processes.

.05 Lift Station: A lift station is a wastewater collection device or system that pumps wastewater from a gravity sewer to a sewer or treatment plant at a higher elevation.

.06 National Pollutant Discharge Elimination System (NPDES): NPDES is the Environmental Protection Agency (EPA) program under the Clean Water Act (CWA) that regulates the discharge of pollutants from point sources into the waters of the United States and imposes effluent standards and enforces pretreatment requirements under CWA sections 307, 318, 402, and 405.

.07 Pretreatment: Pretreatment is treating industrial wastewater before it is discharged to a federally-owned treatment works or a POTW.

SECTION 4. POLICIES

.01 Operating Units shall define and identify those facilities responsible for compliance with this policy. Provide a list of these Operating Units to the Department Environmental Manager.

.02 Operating Units with responsibility for compliance with this policy shall:

a. Establish a water quality compliance program to assess, attain, and maintain compliance with applicable federal, state, and local water quality regulations.

b. Obtain permits for wastewater discharges and designated storm water runoffs.

c. Comply with all NPDES permit conditions.

d. Track permit renewal dates to prevent permit expiration.

e. Resolve all NPDES permit violations within the regulatory agency's time frame. Maintain records of written correspondence and oral communication with the regulators. Report enforcement actions to the Department Environmental Manager.

f. Forward copies of enforcement action(s) and/or notice(s) of violation resulting from inspections to the Department Environmental Manager within 4 workdays.

.03 Where economically beneficial, Operating Units should use regional or municipal water supplies; and wastewater collection and treatment systems.

SECTION 5. OBJECTIVES AND TARGETS

.01 Identify all water resources with permits or needing permits. Obtain necessary permits where appropriate.

.02 Comply fully with federal, state, and local permit requirements.

.03 Perform proper notifications of out-of-compliance conditions.

.04 Protect and conserve water resources.

.05 Reuse wastewater whenever economically beneficial.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Effluent guidelines are applied to individual facilities or wastewater treatment plants through the NPDES permit program. The NPDES permit provides discharge limitations of pollutants from point sources and storm water discharges into United States waters. Permits are issued from the EPA or the state. See 40 CFR 121-125 for additional information.

.02 Facilities that discharge wastewater to a POTW are referred to as indirect dischargers. Indirect dischargers do not require NPDES permits under the CWA but may be regulated by the local POTW.

.03 The CWA section 311, has requirements for spill prevention, control and counter measures (SPCC). (For additional information, see Chapter 15 of this manual.) A SPCC must be developed for any facility that meets each of the following criteria:

a. The facility has oil or oil product storage in excess of 1,320 gallons in aboveground storage tanks.

b. Any one aboveground storage tank container greater than 660 gallons of oil or an oil product.

c. The facility has greater than 42,000 gallons of oil or oil product stored in underground storage tanks and there is the potential, either directly or indirectly, for spilling the oil or oil product into either navigable or unnavigable waters which can actually or potentially contaminate the land/water table.

.04 Designated storm water runoffs requiring permits include, but are not limited to:

a. Transportation facilities with vehicle maintenance and equipment cleaning operations.

b. Hazardous waste treatment, storage or disposal facilities.

c. Landfills, land application sites, and open dumps that receive or have received any industrial wastes.

d. Steam electric power generating facilities, including coal-handling sites.

e. Facilities used in storing, treating, recycling, and reclaiming domestic sewage, including land dedicated to the disposal or sewage sludge within the confines of the facility (for facilities with a design flow of more than 1.0 million gallons per day) are required to have an approved pretreatment program under 40 CFR 403.

f. Construction activity, including clearing, grading and excavating. (Exceptions: Operations that disturb less than 5 acres of total land area and are not part of a larger common development or sale plan.)

.05 Protect and conserve water resources by:

a. Controlling or eliminating sources of pollutants and contaminants.

b. Incorporating non-point source (e.g., storm-water runoff, soil erosion) abatement measures in construction, facility operations, and land management activities.

c. Reusing wastewater and sludge.

d. Participating with regional water authorities to develop and implement water conservation measures.

.06 Control the discharge of industrial wastewater by:

a. Minimizing industrial wastewater discharge.

b. Keeping prohibited waste from entering domestic wastewater and other non-industrial sewer systems.

c. Pre-treating regulated industrial wastewater to acceptable levels before discharge to a domestic wastewater or other nonindustrial sewer systems.

.07 Collect and manage industrial wastewater as a hazardous waste if regulations forbid discharging such wastewater into domestic wastewater or other nonindustrial sewer systems or pretreatment is impossible.

.08 Oil/Water Separators:

a. Perform regular inspections and maintenance of all oil/water separators to maintain water quality compliance.

b. Use adequately sized oil/water separators to remove incidental releases of residual fuel, oil, grease, and other oily wastes only when you cannot use dry cleanup or other cleanup methods.

c. Obtain a wastewater discharge permit for an oil/water separator when discharge to a wastewater treatment plant is not possible.

d. Do not discharge collected fuel, oil, grease, oily waste, solvents, cleaning compounds, or corrosion-control facility waste or other contaminants into oil/water separators.

.09 Storm Water:

a. Storm Water Pollution Prevention Plans must identify potential sources of pollutants in runoff from industrial activities that could affect the quality of storm water discharges.

b. Develop and implement best management practices to eliminate/reduce pollutants.

c. For Storm Water Pollution Prevention Plan preparation guidance, see EPA 832-R-92-006, *Storm Water Management For Industrial Activities--Developing Pollution Prevention Plans and Best Management Practices*, and EPA 832-R-92-005, *Storm Water Management for Construction Activities--Developing Pollution Prevention Plans and Best Management Practices*.

.10 Obtain proper permits and comply with 40 CFR 503, EPA standards for the use or disposal of sewage sludge, for land application, surface disposal or incineration of sewage sludge. Title 40 CFR 503 does not apply to treated industrial wastewater sludge or sludge disposed in a municipal solid waste landfill if these sludge comply with 40 CFR 258, EPA *Criteria for Municipal Solid Waste Landfills.*

.11 Wastewater lift stations must continue to operate during power failures and have redundant pumps to provide adequate pumping capacity for handling the maximum wastewater flow when one pump is out of service. Major lift stations should be provided with stand-by power generators, portable power generators or two independent power sources. Provide a connection for a portable generator at small lift stations.

- END -

CHAPTER 14 - DRINKING WATER

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for the protection and enhancement of the quality of drinking water in accordance with the standards established by 40 CFR 141, 143, and 146.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to public water systems owned or operated by Department Operating Units.

.02 States may impose drinking water requirements equal to or more stringent than federal requirements. Department Operating Units shall follow the more stringent requirements.

SECTION 3. DEFINITIONS

.01 Public water system: A public water system is any collection, treatment, storage, or distribution facility for the provision of piped water for human consumption, provided that the system for which it exists meets these minimum criteria: 15 service connections or regular daily service for a total of 60 days per year to 25 individuals.

.02 Underground injection: Underground injection is the subsurface emplacement through a bored, drilled, driven, or dug well where the depth is greater than the largest surface dimension, whenever a principal function of the well is the emplacement of any fluid.

SECTION 4. POLICIES

.01 Department Operating Units shall:

a. Comply with substantive and procedural drinking water regulations established by the Environmental Protection Agency (EPA) or the regulations and procedures of those states with primary enforcement responsibility for federal facilities, as granted by EPA.

b. Comply with underground injection control programs as established under the provisions of 40 CFR 146 and approved by EPA.

c. Monitor and evaluate their public water systems and take corrective measures necessary to ensure compliance with National Primary Drinking Water Regulations (40 CFR 141), state regulations and procedures having primary enforcement responsibility, and with National Secondary Drinking Water Regulations (40 CFR 143).

SECTION 5. OBJECTIVES AND TARGETS

.01 Protect underground water sources by identifying and regulating underground injection control activities to those permitted in accordance with applicable programs approved by EPA under the provisions of 40 CFR 146.

.02 Maintain records and submit reports concerning public water systems in accordance with requirements established by regulatory agencies having enforcement responsibility.

.03 Provide timely notice to water consumers of noncompliance with the drinking standards of 40 CFR 141. Provide copies of the notices to the Department Environmental Manager.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The Safe Drinking Water Act (SDWA) of 1974 was created to provide safe drinking water for the public. Both primary and secondary drinking water standards have been set by the EPA regulations which apply to water after treatment by public drinking water systems. National Interim Primary Drinking Water Regulations were adopted in 1975 to protect health. Regulations covering radionuclides were added in 1976. Regulations for trihalomethanes were promulgated in 1979. Secondary regulations were established in 1979 as guidelines to states to protect the non-health-related quantities of drinking water. The 1986 amendments to the SDWA: (1) establish a mandatory schedule requiring the promulgation of primary drinking water regulations for 83 contaminants, (2) prohibit the use of lead in public water systems, (3) provide civil and criminal penalties for persons who tamper with public water systems and (4) require closer scrutiny of state programs, including the direct enforcement of drinking water standards, as appropriate. Also, regulations were promulgated governing Underground Injection Control or deep-well injection for Class I and Class V wells.

- END -

CHAPTER 15 - OIL AND HAZARDOUS SUBSTANCES POLLUTION PREVENTION AND CONTINGENCY PROGRAM

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets to implement the provisions of the National Oil and Hazardous Substances Pollution Contingency Plan (referred to as the "National Contingency Plan") and the Environmental Protection Agency (EPA) Regulations on Oil Pollution Prevention.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department Operating Units that have discharged or could reasonably be expected to discharge oil or hazardous substances in harmful quantities into or upon the waters of the United States or adjoining shorelines.

SECTION 3. DEFINITIONS

.01 Discharge: A discharge is any spilling, leaking, pumping, pouring, emitting, emptying, or dumping. Discharges, as used in this Chapter, do not include those within the limits and criteria of appropriate federal or state permits.

.02 Oil: Oil is any kind or form of oil, including but not limited to petroleum, fuel oil, sludge, oil refuse, vegetable oil, animal fat, and oil mixed with wastes other than dredged materials.

.03 Waters of the United States: The waters of the United States are the navigable waters of the United States; tributaries of navigable waters of the United States; interstate and intrastate lakes, rivers, and streams.

.04 Contiguous Zone: The contiguous zone is the entire zone, contiguous to the territorial sea, established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

.05 Harmful Quantities: Harmful quantities are that quantity of oil which is harmful to public health or welfare; or violates applicable water quality standards; or causes a film, sheen, or discoloration of the water surface or adjacent shorelines; or causes a sludge or emulsion to be deposited beneath the water surface or upon adjacent shorelines. A direct discharge of oil from a properly functioning vessel engine is not deemed to be harmful; but such oil accumulated in a vessel's bilge and subsequently discharged shall not be so exempt.

.06 Hazardous Substances: Hazardous substances, as defined for this Chapter, are any materials, other than oil, which, when discharged in any quantity into or upon waters of the United States, adjoining shorelines, or waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches. This definition will apply until a definitive list of hazardous substances is issued pursuant to the Federal Water Pollution Control Act.

.07 Spill Prevention, Control, and Countermeasure (SPCC) Plan: The SPCC plan is a plan prepared in accordance with good engineering practice, which establishes, for a specific facility, procedures to prevent oil discharges or to minimize the potential for oil discharges, and which has the full approval of management at the level authorized to commit the necessary resources to support the plan.

SECTION 4. POLICIES

.01 Department Operating Units shall not intentionally discharge oil or hazardous substances into or upon the waters of the United States, adjoining shorelines, or waters of the contiguous zone. An exception is made for discharges done pursuant to and consistent with a permit.

.02 Department Operating Units shall identify facilities that have discharged or could reasonably be expected to discharge oil or hazardous substances in harmful quantities into or upon the waters of the United States or adjoining shorelines. Provide a list of the facilities subjected to the requirements of this chapter to the Department Environmental Manager.

.03 Department Operating Units or facilities that have discharged or could reasonably be expected to discharge oil or hazardous substances in harmful quantities into or upon the waters of the United States or adjoining shorelines shall:

a. Develop an SPCC plan. This plan should consider and be compatible with EPA or U.S. Coast Guard regional contingency plans where appropriate.

b. Control oil and hazardous substance discharges to the maximum extent feasible.

c. Not use dispersants, including water, or chemicals to emulsify, disperse, solubilize, or precipitate oil except where necessary to reduce fire or safety hazards, or to protect waterfowl from floating oil. Such activity should be under the supervision of EPA or U.S. Coast Guard representatives.

d. Report oil and hazardous substance discharges to the National Response Center (800) 424-8802, or to the nearest U.S. Coast Guard district or EPA regional office. (Visit www.nrc.uscg.mil for report forms and contact information.) Telephone reports should be followed by a written report as soon as practical. Notifications and reports must include the location, amount, time, circumstances, type, estimated damages if any, name of discharger (if known), and response action. In addition, notify the Department Environmental Manager at

(202) 482-3580 after initial notification to U.S. Coast Guard or EPA regional office. Provide the Department Environmental Manager a copy of the discharge report.

SECTION 5. OBJECTIVES AND TARGETS

.01 Reduce the likelihood of oil discharges from nontransportation-related onshore and offshore facilities into or upon the waters of the United States or adjoining shorelines.

.02 Respond rapidly to control and minimize the damage caused by discharges of oil or hazardous substances from Department activities.

.03 Identify operating units and facilities that have discharged or could reasonably be expected to discharge oil or hazardous substances in harmful quantities into or upon the waters of the United States or adjoining shorelines.

.04 Develop and implement SPCC plans as required.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 The following lists SPCC minimum requirements:

a. A registered professional engineer must prepare, review, and sign SPCC plan.

b. The Head of the Operating Unit or the designated representative must approve, in writing, the signed SPCC.

c. Necessary resources must be committed to support the plans.

d. Applicable Department Operating Units must maintain a complete copy of the approved plan for on-site review by EPA representatives and other regulatory authorities.

e. Plans must be reviewed and updated at least every 3 years.

.02 Report oil or hazardous substance discharges to the Department Environmental Manager. Include the location, amount, time, circumstances, type, estimated damages, if any, name of discharger, if known, and response action.

.03 Actions taken to contain and remove discharged oil and hazardous substances are usually emergency actions and need not be assessed to determine the necessity for preparing an environmental impact statement.

.04 Final disposition of the collected material is usually not an emergency action. Dispose of these materials consistent with applicable laws and regulations. The materials may be hazardous wastes.

- END -

CHAPTER 16 - ENVIRONMENTAL AWARDS PROGRAM

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, responsibilities, objectives, and targets for a Department-wide environmental awards program. This awards program is designed to recognize individuals and teams who made significant contributions to waste prevention, recycling, affirmative procurement, pollution prevention, or environmental management.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to all Department personnel and programs which directly address recycling, waste prevention, affirmative procurement, pollution prevention, and environmental management. This includes, but is not limited to, research and development leading to pollution prevention, as well as the development and implementation of procedures that reduce the use of environmentally hazardous systems or materials, increase recycling rates or solid waste diversion rates, or increase the purchase of environmentally preferable products.

SECTION 3. AWARDS

.01 The awards described herein are honorary; no monetary awards shall be provided to the recipients.

.02 Awards will be given to individuals or teams for outstanding performance in the following categories:

a. The "Waste/Pollution Prevention Award" recognizes reductions in the generation of hazardous and/or non-hazardous wastes through any change in the design, manufacturing, or use of materials for products; and/or the amount of toxicity in waste materials prior to recycling, treatment or disposal.

b. The "Recycling Award" recognizes outstanding activities, including collection, separation and processing by which products or other materials are recovered from the waste stream for use in the manufacture of new products (other than fuel for producing heat or power by combustion).

c. The "Model Recycling Facility Award" recognizes a facility for outstanding leadership in recycling and will serve as an example for other facilities to emulate.

d. The "Environmental Management Systems Award" recognizes the most effective and innovative programs for environmental management system implementation. Implementation of environmental management systems shall include measurable environmental goals, objectives, and targets that are reviewed and updated as appropriate; systems should include a compliance component.

SECTION 4. PROCEDURES

.01 The awards program process shall be conducted in a manner that recognizes the broadest number of people and organizations possible while maintaining the fairness and integrity of the process.

.02 The Department Environmental Manager shall issue a call letter for nominations to all Department Offices and Operating Units no later than October 1 of each year. The letter will include the awards criteria as developed by the Department Environmental Manager.

.03 The Department Environmental Manager shall establish a panel, comprised of Department personnel, to review nominations for the purposes of recommending selected nominees for awards.

.04 Nominations must be submitted to the Office of Administrative Services (OAS) by December 1 of the same year. Nominations for individuals must be approved by the supervisor. Nominations for teams must be approved by a senior manager responsible for the team actions. Senior managers and supervisors shall ensure that no adverse actions or pertinent performance issues are pending against any of the nominees. Nominations shall be submitted in accordance with the call letter issued for nominations.

.05 The nominations will be reviewed by a panel comprised of Department personnel. The panel will evaluate the nominees against award criteria and recommend one individual and/or one team to receive each award. The panel will complete this process by December 31 of the same year.

.06 The Department Environmental Manager shall acquire additional information on the nominees and prepare selection/briefing packages on the nominees, as appropriate.

.07 The Agency Environmental Executive or a designated representative shall approve the final selection of the award recipients.

.08 The Agency Environmental Executive shall notify each award recipient as soon as possible following the selection.

.09 Award winners will be eligible to represent the Department and compete for the White House Closing the Circle Awards.

- END -

CHAPTER 17 - FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

SECTION 1. PURPOSE

.01 This Chapter prescribes the Department policies, objectives, and targets for implementing Executive Orders 11988, *Floodplain Management*, and 11990, *Protection of Wetlands*.

SECTION 2. SCOPE

.01 Provisions of this Chapter apply to Department Operating Units with program responsibilities subject to the floodplain and wetland Executive Orders.

.02 This Chapter does not apply to assistance provided for emergency work essential to save lives and protect property and public health and safety.

SECTION 3. DEFINITIONS

.01 Action: An action is any Department activity including:

a. Acquiring, managing, and disposing if interests in federal lands and facilities, including, but not limited to, purchases, construction, leases, easements, and right-of-ways.

b. Providing financial assistance including, but not limited to, grants, loans, subsidies, and guarantees or amendments to such forms of assistance for the acquisition of land and the construction of facilities and improvements.

c. Conducting federal activities and programs affecting land use including, but not limited to, water and related land resources planning, regulating, and licensing activities.

.02 Alternatives: Alternatives are those actions, in addition to the proposed action, with similar benefits and which avoid or eliminate harms or impacts within a floodplain or to a wetland.

.03 Base Floodplain or 100-year Floodplain: A base floodplain or 100-year floodplain is an area subject to inundation from a flood of a magnitude that occurs once every 100 years on the average (the flood having a 1.0 percent chance of being equaled or exceeded in any given year).

.04 Critical Action Floodplain or 500-year Floodplain: A critical action floodplain or 500-year floodplain is an area subject to inundation from a flood of a magnitude that occurs once every 500 years on the average (the flood having a 0.2 percent chance of being equaled or exceeded in any given year).

.05 Critical Action: A critical action refers to an action that, if located in a floodplain, poses a greater than normal risk for flood-caused loss of life or property. The minimum floodplain of concern for critical actions is the 500-year floodplain. Critical actions include, but are not limited to, actions which create facilities or extend the useful life of facilities:

a. Which produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials.

b. Such as schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury should flooding occur.

c. Such as emergency operation centers, essential public utilities, and data storage centers, which contain records or services that may become lost or inoperative should flooding occur.

.06 Flood or Flooding: Flood or flooding refers to a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

.07 Floodplains: Floodplains are lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, areas subject to a one percent or greater chance of flooding in any given year. The term floodplain shall be taken to mean the base floodplain unless action is a critical action, in which case the critical action floodplain will be a minimum floodplain of concern.

.08 Impacts: Impacts are changes in floodplain or wetland values and functions. Impacts may occur as either direct or indirect results of an action. Impacts are a direct result of an action whenever the action causes a change in floodplain or wetland values and functions. Impacts are an indirect result of an action whenever an action induces or makes possible related activities which affect the natural values and functions of floodplains or wetlands.

.09 Minimize: Minimize means to reduce to the smallest amount or degree practical.

.10 Mitigation Measures: Mitigation measures are measures to minimize the impacts of the proposed action on a floodplain or wetland, including measures to preserve and, wherever practical, restore natural values and functions. Examples of mitigation measures include, but are not limited to:

a. Wetland habitat restoration.

b. Collecting and treating runoff resulting from an action prior to its discharge into a wetland.

c. Establishing a vegetative buffer zone between the site of a proposed action and adjacent wetland.

d. Improving habitat values and functions through management.

e. Modification of agency action which minimizes potential harm to or within a floodplain.

.11 Practical or Practicable: Practical or practicable refers to an action capable of being performed within existing constraints. This test depends upon the particular situation and the constraints imposed by environmental, economic, legal, and technological considerations. The test is not limited by the temporary unavailability of sufficient financial resources to implement either an alternative to a proposed action or a mitigation measure necessary to minimize impact. Thus, alternatives or mitigation measures shall not be rejected as "impractical" solely on the basis of a reasonable increase in cost.

.12 Related Activities: Related activities are those undertakings that are interdependent parts of an action. They either make possible or support an action, or are themselves induced or supported by an action or related activities. Related activities may or may not be Federally permitted or assisted.

.13 Wetlands: Wetlands are those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances do or would support a prevalence of vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Examples of wetlands include swamps, fresh and salt water marshes, beaches, bogs, sloughs, potholes, wet meadows, mud flats, river overflows, natural ponds, as well as areas separated from their natural supply of water through man-made alterations such as dikes, berms, floodwalls, and levees.

SECTION 4. RESPONSIBILITIES

.01 Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA), through the Office of Administrative Services (OAS):

a. Has overall responsibility for ensuring the Secretary's responsibilities under both Executive Orders are carried out. In performing this duty, OAS will prepare program directives and other necessary guidance as required.

b. Will prepare any required reports to the Water Resources Council and/or the Council on Environmental Quality, in consultation with Department Offices and Operating Units.

.02 Heads of Operating Units are responsible to assure compliance with the public information and other procedural requirements of the Executive Orders and, at a minimum, apply the floodplain and wetland Executive Orders (Executive Order 11988 and 11990) to the following types of activities:

a. Planning and designing new federal facilities.

b. Modifying existing federal facilities or constructing new ones.

c. Acquiring, managing and disposing of federal lands and facilities.

d. Carrying out and influencing programs involving land use and water planning and development, including regulating and licensing activities.

e. Administering construction, improvement and land acquisition programs supported or assisted by Federal grants, loans or other forms of financial assistance.

SECTION 5. POLICIES

.01 Heads of Operating Units shall ensure any activities related to this Chapter are conducted in accordance with Executive Orders 11988 and 11990, the Water Resources Council's *Floodplain Management Guidelines* (43 FR 6030), and the Water Resources Council's Unified National Program for Floodplain Management. Operating Units, with programs that may produce impacts on wetlands or locate activities within floodplains, shall issue specific procedures for complying with both Executive Orders.

.02 The actions of all Operating Units shall minimize the destruction, loss or degradation of wetlands and minimize potential harms as a result of locating activities within a floodplain. Without limiting the aforementioned obligations, Operating Units shall:

a. Avoid undertaking or providing financial assistance for construction of new facilities that may affect wetlands unless the Head of the Operating Unit finds there is no practicable alternative to such new construction within the wetlands.

b. Avoid adverse effects and incompatible developments in actions located in a floodplain unless the Head of the Operating Unit finds that the only practicable alternative, consistent with law and policy, requires siting in a floodplain.

c. Ensure that the chosen action minimizes those impacts and all practical mitigation measures are incorporated into the action to include the following:

- Minimizing the risk of loss of life and property due to flood and storm damage.
- Minimizing the adverse impacts on the floodplain or wetland values and functions.
- Restoring and preserving the natural and beneficial values served by wetlands.

.03 Each Operating Unit shall ensure its actions are consistent with state coastal zone management programs under the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451 et seq.) , Section 10 of the Rivers and Harbors Act of 1899, and with Section 404 of the Clean Water Act of 1977 which requires Department of the Army permits for construction and disposal of dredged material in waters of the United States, including adjacent wetlands (33 CFR 320-331) and with the flood insurance purchase requirements of the Flood

Disaster Protection Act of 1973, as amended.

SECTION 6. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 Prior to implementing any action, an Operating Unit must first determine if the action under consideration is located or would impact a floodplain or wetland in accordance with the Water Resources Council's *Guidance for Determining a Floodplain Location* (Vol. 42 FR 52590-52599, September 30, 1977).

.02 If a determination is made that a floodplain or wetland is impacted, the Operating Unit shall:

a. Identify and analyze resulting impacts including impacts on public health, safety, and welfare; and floodplain and wetland natural values and functions.

b. Consistent with Section 5.02 of this chapter, avoid such impacts or if it is determined such impacts cannot be practicably avoided, minimized such impacts.

.03 When requesting new authorizations or appropriations intended for transmittal to the Office of Management and Budget, indicate if the proposed action will be located in a floodplain or wetland, and whether the proposed action is in accord with Executive Orders 11988 or 11990, respectively.

.04 Operating Units that guarantee, approve, regulate, or insure any financial transaction related to an area located in a floodplain shall, prior to completing such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

.05 Public Notification Requirements.

a. If it is determined a proposed action is planned for location within a floodplain or wetland, the Operating Unit shall, consistent with Executive Order 11514, *Protection and Enhancement of Environmental Quality*, publish a notice in the newspaper of greatest circulation in the vicinity of the proposed actions for at least three consecutive days for the purpose of seeking comment on the proposed action. Such notice shall describe the nature and extent of the proposed action and the physical description of the location and surrounding area. The Operation Unit shall allow at least 30 days from the publication date of the last required notice for receipt of public comments

b. Whenever appropriate, the Operating Unit shall hold a public hearing on the proposed action to solicit comments. A public hearing shall be considered appropriate when the proposed action is a critical action as defined in 3.05 of this chapter or an action within a wetland does not qualify for an U.S. Army Corps of Engineers' nationwide permit as set forth in 33 CFR Part 220, or a region-wide permit as set forth in 33 CFR Part 325

c. Coordinate publication activities under this chapter with the Office of Public Affairs.

.06 Public Hearing Requirements:

a. Public hearings shall be held at a place determined to best serve the public interests with proximity to the location of the proposed action given considerable weight in that determination.

b. Public hearings shall also be proceeded by publication of at least two notices in the newspaper of greatest circulation in the vicinity of the proposed action, in addition to the publication requirements of 6.05 of this chapter.

- The first such publication shall occur between 15 to 20 days before the scheduled date of the hearing. The second publication shall be 2 to 5 days before the scheduled date of the hearing.

- The notices shall provide the location, date and time of the hearing, and identify the Operating Unit conducting the hearing.

- The notices shall describe the nature and extent of the proposed action, the physical description of the location and surrounding areas, and explain the nature of the government's involvement in the action.

- Copies of the notices shall be mailed to appropriate local, state, and federal agencies, public interest groups, news media, and any other agencies, groups, or individuals who have an interest in the action.

.07 Final Notice and Findings. Upon determination of the practical alternative and mitigation measures, the Operating Unit shall publish a final notice of the proposed action. Publish the notice in the newspaper of greatest circulation in the vicinity of the proposed action for at least three consecutive days, and include a physical description of the location and surrounding area, a detailed description of the proposed action, the measures used to mitigate impacts, and the projected date of the action's initiation and completion. The notice shall also include:

a. Reasons why the action is proposed to be located in a floodplain or wetland.

b. A statement indicating whether the action conforms to applicable State and local floodplain protection standards.

c. A list of the alternatives considered.

.08 Regarding actions located in floodplains and wetlands, the requirements of the Executive Orders supplement those of National Environmental Policy Act (NEPA). Since most federal actions in floodplains and wetlands will impact these resources, an environmental document (environmental statement or assessment) will likely be required to comply with NEPA. The Executive Orders' requirements will be included in the NEPA compliance documents for each

such action for ease and economy of documentation.

SECTION 7. DEPARTMENT OF COMMERCE REAL PROPERTY

.01 Construction of structures and facilities shall be in accordance with the standards and criteria promulgated under the National Flood Insurance Program, and shall deviate only to the extent that such standards and criteria are demonstrably inappropriate for a given type of structure or facility.

.02 If new construction of structures or facilities must be located in a floodplain, accepted flood-proofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, structures shall be elevated above base flood level rather than filling in land, whenever practical. Where new construction must be located in a wetland, all practical measures shall be taken to minimize harm to the wetland which may result from such use.

.03 If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible Operating Unit shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

.04 When property in floodplains or wetlands is proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties, the responsible Operating Unit should withhold such properties from conveyance. If such properties cannot be withheld from conveyance, the Operating Units shall:

a. Reference in the conveyance those uses restricted under identified federal, state, or local floodplain or wetlands regulations.

b. Attach other appropriate restrictions to the uses of such properties by the grantee or purchaser and any successors, except where prohibited by law.

- END -

CHAPTER 18 - PESTICIDES

SECTION 1. PURPOSE

.01 This Chapter prescribes the policies, objectives, and targets for the use of pesticides on the lands and waters under the jurisdiction of the Department.

SECTION 2. SCOPE

.01 The provisions of this Chapter apply to Department Operating Units and facilities that use, handle, or store pesticides.

SECTION 3. POLICIES

.01 Department Operating Units shall ensure compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et. seq.), as amended, Environmental Protection Agency (EPA) implementing regulations, and the policies prescribed in this chapter.

.02 Department Operating Units shall evaluate, control, and monitor pesticide use for safety, protection of the environment, and compliance with the National Environmental Policy Act, as amended, and the Endangered Species Act, as amended.

.03 Use pesticides only after full consideration of various alternatives, analyses of environmental effects, safety concerns, effectiveness of pesticides, long-term implications, and costs. The range of alternatives include: chemical, biological, and physical methods, and no action. If it is determined a pesticide must be used, select a pesticide that selectively targets the pest, is the least toxic, and least likely to harm or impact the environment.

.04 Use only pesticides registered by the EPA in full accordance with FIFRA, as amended, and as provided in regulations, orders, or permits issued by EPA.

.05 Utilize pest management research, control, education, and assistance programs to develop, support, and adopt integrated pest management (IPM) strategies wherever practical.

.06 In wilderness areas, use pesticides only where necessary to protect human health or to prevent loss of significant resource values on public or private lands within or bordering the wilderness area.

.07 Do not use pesticides in areas with endangered and threatened animal or plant species unless it is determined the use will not adversely affect the species or its critical habitat. Make this determination according to the Endangered Species Act consultation process prescribed in 50 CFR 402.

SECTION 4. OBJECTIVES AND TARGETS

.01 Department Operating Units and facilities will comply with FIFRA and strive to reduce the amount of active ingredient applied.

SECTION 5. MAJOR PROGRAM REQUIREMENTS AND PROCEDURES

.01 FIFRA regulates other toxic substances, better known as pesticides. A pesticide is defined as any substance intended to prevent, destroy, repel or mitigate pests. FIFRA requires registration of all pesticides, restricts use of certain pesticides, authorizes experimental use permits and recommends safety standards for pesticide handlers and applicators.

.02 Pesticides are registered for five years and classified for either general or restricted usage. Restricted use means that the pesticide can only be applied either by or under the direct supervision of a certified applicator. Pesticides must be labeled with the specific ingredients contained, warnings, registration number, and any special use restrictions. Regulations also specify tolerance levels for certain pesticide chemicals in or on agricultural commodities. These tolerance levels apply to over three hundred different compounds and residue tolerances range from 0 to 100 parts per million. A few pesticides are also regulated as toxic pollutants under Section 307(a) of the Clean Water Act and by the Primary Drinking Water Standards under the Safe Drinking Waster Act.

.03 The handling and use of restricted-use pesticides must be conducted with caution and only by personnel who are either certified or under the direct supervision of a certified applicator.

.04 Transport, store, and dispose of pesticides and pesticide containers in a manner that safeguards human health, fish, and wildlife, and prevents soil and water contamination.

.05 Conduct or require quality control monitoring before, during, and after any pesticide application in ecologically sensitive areas. Determine whether the application achieved the desired effects and whether there are any significant, unanticipated effects.

.06 Post notices at the usual points of entry to areas treated with restricted-use pesticides so that occupants, land users, and visitors are informed sufficiently in advance to avoid possible exposure. Local managers may make exceptions to the posting requirement when they judge no public exposure is likely. Such posting will contain:

a. Statement that the area has been or will be treated with a named pesticide.

b. The date of the treatment, telephone number, and address for further information

c. A list of appropriate precautions to be taken or the date when re-entry is judged to be safe.

- END -

APPENDIX A - REFERENCES

GENERAL

This appendix lists the federal environmental laws, regulations, and Executive Orders referenced and used to develop this manual.

FEDERAL LAWS

Clean Air Act (42 U.S.C. 7401-7671q), as amended

Clean Water Act (33 U.S.C. 1251 et. seq.), as amended

Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et. seq.)

Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Re-authorization Act (42 U.S.C. 9601 et. seq.)

Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001 et. seq.)

Endangered Species Act (16 U.S.C. 531 et. seq.)

Federal Facility Compliance Act (42 U.S.C. 6903, 6908, 6924, 6927, 6939 c-e, 6961, 6965)

Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et. seq.)

Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251, et. seq.)

Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975)

Hazardous Materials Transportation Act (49 U.S.C. 5101, et. seq.)

National Environmental Policy Act (42 U.S.C. 4321 et. seq.)

National Flood Insurance Act of 1968 (42 U.S.C. 4001 et. seq.)

Occupational Safety and Health Act (29 U.S.C. 651 et. seq.)

Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.)

Pollution Prevention Act (42 U.S.C. 13101 et. seq.)

Resource Conservation and Recovery Act (42 U.S.C. 6901 et. seq.)

Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Safe Drinking Water Act (42 U.S.C. 300)

Toxic Substances Control Act (15 U.S.C. 2601 et. seq.)

Water Quality Standards and Implementation Plans (33 U.S.C. 1313)

CODE OF FEDERAL REGULATIONS (CFR)

29 CFR 1910 Occupational Safety and Health Standards

29 CFR 1926 Safety and Health Regulations for Construction

33 CFR Navigation and Navigable Waters

40 CFR Protection of Environment

49 CFR Transportation

50 CFR Wildlife and Fisheries

EXECUTIVE ORDERS

Executive Order 11514, *Protection and Enhancement of Environmental Quality* (March 5, 1970)

Executive Order 11988, *Floodplain Management* (May 24, 1977)

Executive Order 11990, *Protection of Wetlands* (May 24, 1977)

Executive Order 11991, *Protection and Enhancement of Environmental Quality* (May 24, 1977)

Executive Order 12580, *Superfund Implementation* (October 18, 1991)

Executive Order 12777, *Federal Water Pollution Control and Oil Pollution Act Implementation* (October 22, 1991)

Executive Order 12844, *Federal Use of Alternative Fueled Vehicles* (April 21, 1993)

Executive Order 12902, *Energy Efficiency and Water Conservation at Federal Facilities* (May 8, 1994)

Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling and Federal Acquisition* (September 14, 1998)

Executive Order 13134, *Developing and Promoting Biobased Products and Bioenergy* (August 12, 1999)

Executive Order 13148, *Greening the Government Through Leadership in Environmental Management* (April 21, 2000)

- END -